

**OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**



**PROFESSIONAL TRAINING SERIES No. 10**

# **Handbook on National Human Rights Plans of Action**



**UNITED NATIONS**  
New York and Geneva  
29 August 2002

## **Note**

The designations employed and the presentation of the material in this Handbook do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries.

\*

\*

\*

Material contained in this Handbook may be freely quoted or reprinted, provided that credit is given and a copy of the publication containing the reprinted material is sent to the Office of the United Nations High Commissioner for Human Rights, United Nations, 1211 Geneva 10, Switzerland.

HR/P/PT/10

***The World Conference on Human Rights  
recommends that each State consider the desirability  
of drawing up a national action plan identifying  
steps whereby that State would improve the  
promotion and protection of human rights.***

*Vienna Declaration and Programme of Action,  
Part II, paragraph 71*

## CONTENTS

### 1. Introduction

1.1	A changing environment.....	1
1.2	Institutional strengthening .....	1
1.3	The value of national action plans .....	2
1.4	What does this Handbook seek to do? .....	3
1.5	Who is this Handbook for? .....	4
1.6	The structure of the Handbook.....	5

### Part I: The Concept of a National Action Plan and Early Experiences

### 2. Development of the concept of national human rights action plans

2.1	The 1993 World Conference on Human Rights .....	7
2.2	What did the Conference say about national action plans? .....	7
2.3	Why were national action plans proposed? .....	8
2.4	Purposes and benefits of national plans .....	9
2.5	What has been done since Vienna?.....	11
2.6	National plans of action for human rights education .....	12

### 3. More about national human rights action plans – general principles

3.1	A process as well as an outcome.....	13
3.2	Commitment to universal human rights standards.....	14
3.3	Implementing international human rights obligations .....	15
3.4	Interdependence and indivisibility of human rights.....	18
3.5	Action orientation .....	18
3.6	A public document.....	19
3.7	Monitoring and evaluation.....	19
3.8	A continuing process.....	20
3.9	A national undertaking.....	20
3.10	The international dimension .....	21
3.11	Potential difficulties .....	21

### 4. Eleven national action plans

4.1	Australia (1993) .....	24
4.2	Malawi (1995).....	26
4.3	Latvia (1995).....	27
4.4	The Philippines (1996).....	28

4.5	Brazil (1997) .....	30
4.6	Ecuador (1998).....	31
4.7	Indonesia (1998) .....	32
4.8	Mexico (1998).....	34
4.9	South Africa (1998) .....	35
4.10	Venezuela (1999).....	37
4.11	Bolivia (1997) .....	38
4.12	Common elements of finalized plans.....	39

## **Part II: Developing a National Action Plan**

### **5. The preparatory phase of the plan**

5.1	Five main stages.....	41
5.2	Who should initiate .....	41
5.3	Who should be involved .....	42
5.4	The role of government and parliament.....	43
5.5	How the preparatory phase should be managed .....	44
5.6	National coordinating committee.....	45

### **6. The role of national institutions and civil society**

6.1	National human rights institutions .....	51
6.2	Who constitutes civil society? .....	51
6.3	Human rights NGOs .....	52
6.4	NGOs and community-based organizations dealing with economic, social and cultural rights.....	53
6.5	Educators, representatives of academic institutions, research institutions and human rights experts .....	53
6.6	Representatives of the private business sector.....	54
6.7	Representatives of philanthropic and other private funding organizations .....	54
6.8	The media.....	54
6.9	The general public.....	55

### **7. Consultative mechanisms**

7.1	The importance of the process .....	56
7.2	Committees .....	57
7.3	Public meetings and public hearings.....	58
7.4	Participation through comment or other contributions .....	59

### **8. The development phase of the plan**

8.1	Conceptualizing the national action plan.....	60
8.2	Preparation of a national human rights status report – a baseline study .....	61
8.3	Identification of priorities .....	65

8.4	Vulnerable groups.....	66
8.5	Issues for special focus.....	66
8.6	Drafting the plan.....	66
8.7	Linkage with other national planning activities.....	68
8.8	Time frames.....	69
8.9	Legal status.....	70
<b>9.</b>	<b>Content and structure of a plan</b>	
9.1	General issues.....	72
9.2	Principles and objectives.....	72
9.3	Scope of the plan.....	73
9.4	Format.....	74
9.5	Targets and benchmarks.....	74
9.6	Responsibility for implementation.....	77
9.7	Suggestions for the plan's content.....	77
<b>Part III: Implementation, Monitoring and Evaluation of a National Action Plan</b>		
<b>10.</b>	<b>Implementation of the plan</b>	
10.1	Implementing mechanisms.....	86
10.2	Implementing partners.....	87
10.3	Launching the plan.....	88
10.4	Media and dissemination strategy.....	88
10.5	Use of the plan in human rights education.....	93
<b>11.</b>	<b>Monitoring</b>	
11.1	Monitoring and reporting techniques and mechanisms.....	94
<b>12.</b>	<b>Evaluation and successor plans</b>	
12.1	Evaluation issues.....	98
12.2	Initiation of successor plans.....	99
<b>13.</b>	<b>Resources</b>	
13.1	Funding issues and strategies.....	100
13.2	Institutional partnerships.....	103
13.3	International assistance.....	104
<b>14.</b>	<b>Regional and international partnerships</b>	
14.1	Sharing experience.....	106

14.2	Regional and international workshops.....	107
14.3	The United Nations.....	107
14.4	Technical cooperation and OHCHR.....	107

## **LIST OF FIGURES**

1.	Benefits of national action plans.....	3
2.	The national human rights action plan process.....	6
3.	General principles.....	13
4.	The preparatory phase.....	45
5.	National coordinating committee – possible composition and mandate.....	48
6.	Civil society participation.....	52
7.	Consultative mechanisms.....	57
8.	The development phase.....	58
9.	The baseline study.....	63
10.	Linkages between national plans.....	69
11.	Suggestions for the structure of a national action plan.....	75
12.	National action plan media strategy.....	90

# **1. Introduction**

## **1.1 *A changing environment***

Approaches to international work on human rights have evolved significantly over the past decade. While the international community continues to speak out strongly in denunciation of human rights violations, governments and civil society are aware that the promotion and protection of human rights involve more than identifying alleged wrongdoers and exhorting governments to improve their performance. Policy-makers and advocates increasingly recognize that genuine improvements require resources and long-term effort in the areas of education, institutional strengthening and institution-building.

The desire to entrench human rights principles more effectively reflects the strengthened environment of democracy, openness and accountability that increasingly prevails in all regions of the world. It is recognized not only that these principles are important for the well-being of individuals and communities but also that they are an essential component of economic and social progress. There is a growing conviction that the implementation of human rights principles will strengthen social harmony and cohesion, advance the process of development and promote the accountability and legitimacy of governments.

The popular movement that underpins these developments has been inspired by the human rights principles and standards enshrined in instruments and resolutions developed within the framework of the United Nations, particularly the Universal Declaration of Human Rights and the International Covenants on Human Rights. It has also been facilitated by the information technology revolution, which ensures that human rights advocates and media organizations have effective means of drawing worldwide public attention to human rights violations and issues. These themes have converged with modern management and governance principles, which see the achievement of long-term economic and other goals as dependent on openness, democratic systems of government, accountability, an active civil society and the rule of law.

## **1.2 *Institutional strengthening***

An institutional strengthening approach to human rights promotion and protection is realistic and pragmatic. It acknowledges that improving human rights is a public policy objective that can be implemented through the normal planning and resource allocation processes of government. It integrates human rights objectives into the general objectives of the State, particularly development, so that ultimately the nation as a whole benefits and is strengthened.

Importantly, this approach recognizes that no country is perfect; all countries face human rights challenges in moving towards the objective of “better standards of life in larger freedom” set forth in the Charter of the United Nations. To meet these challenges successfully, governments and peoples must work together to change



attitudes, to intensify human rights education programmes and to strengthen human rights institutions.

The most prominent activities that governments and communities are considering in this area probably include the establishment of national human rights institutions, the development of national programmes of human rights education and the development of national plans of action for the promotion and protection of human rights.<sup>1</sup>

### **1.3 The value of national action plans**

National action plans require considerable planning and effort. The practical value of a national plan will not necessarily be the same in all situations. A decision whether or not to embark on such a plan needs to be taken in a serious and critical fashion in each case, in the light of a realistic appraisal of national needs and circumstances. As elaborated elsewhere in this Handbook, experience to date suggests that factors with a likely bearing on a particular plan's effectiveness include:

- The level of political support;
- Transparent and participatory planning;
- Comprehensiveness of the baseline human rights study underlying the plan;
- Realistic prioritization and action-oriented planning;
- Clear success criteria and strong participatory mechanisms for monitoring and evaluation; and
- Adequate commitment of resources.

As shown in section 8.7, great care is required to ensure linkage with existing overarching national development frameworks (such as the national development plans of the United Nations Development Programme (UNDP) and the Poverty Reduction Strategy Papers of the International Monetary Fund (IMF) or the World Bank) and with policy planning processes in the areas of health, education, law enforcement and so forth to ensure that human rights concerns are not unwittingly quarantined in a separate "sector".

Subject to these kinds of considerations, it would be reasonable to expect the following outcomes from a national action plan:

- Ratification of additional international standards and more effective incorporation of these standards in domestic law and practice, leading to an expansion of the range of human rights protection for individuals;
- A stronger administration of justice, improved rule of law, strengthened independence of the judiciary and improved practices on the part of security authorities;
- Better awareness and implementation of economic, social and cultural rights, leading to an improved quality of life, particularly for vulnerable groups;
- Improved linkage between human rights and development;

---

<sup>1</sup> The terminology used for national plans of action varies somewhat from country to country. In this Handbook, we use the terms "national plans of action for the promotion and protection of human rights", "national plans of action", "national plans" and "national action plans" interchangeably. Some countries prefer the word "programme" to "plan".

- Establishment or strengthening of national human rights institutions;
- More effective civil society institutions;
- Enhanced programmes for vulnerable groups;
- Greater understanding of human rights standards and their value to individuals and the community; and
- Reduced risk of social tensions.

### **Figure 1 – Benefits of national action plans**

#### **A national action plan will**

- Review a country's human rights needs
- Raise awareness of human rights issues among government officials, security authorities, civil society organizations and the general public
- Mobilize a broad spectrum of society in a cooperative atmosphere
- Propose realistic activities
- Set achievable targets
- Promote linkages with other national programmes, particularly in the areas of development and education
- Generate commitment to action

#### **The outcomes of a national action plan will include**

- Stronger legal frameworks, embracing firmer adhesion to international norms, more effective incorporation of human rights standards in domestic law, enhanced independence of the judiciary and more effective rule of law
- Better protection for individuals
- A stronger culture of human rights
- Stronger national institutions for the promotion and protection of human rights
- More effective social programmes that enhance the quality of life for all, particularly vulnerable groups
- Improved national harmony, reducing risks of internal conflict

### **1.4 What does this Handbook seek to do?**

The Office of the United Nations High Commissioner for Human Rights (OHCHR) has prepared this Handbook<sup>2</sup> as a guide for those considering or working on national plans of action for the promotion and protection of human rights. It provides background information on the concept of national plans, on how the idea developed and on the experience of some countries that have developed such plans. It also discusses issues relevant to the development of national plans:

- The concept;
- Institutional aspects;
- Content and structure;
- Development, implementation and monitoring; and

<sup>2</sup> The Office of the High Commissioner for Human Rights acknowledges and offers its thanks to the principal author of the Handbook, Mr. Bill Barker of Human Rights International Pty Ltd., Australia.

- International activity and experience.

These ideas are based on work that has taken place both in the development of specific national plans by a number of countries and in international discussions of the issue.

The Handbook is intended to be a reasonably self-contained introduction to the process of developing national action plans. Any country embarking on such a process will, of course, be working within its own legal and policy environment. But it is hoped that the information about national action plans provided in the Handbook will help them to gain from the experiences of others, to draw on international thinking on the issue and to develop a plan that is comprehensive and effective. In this way, new plans may be developed as current international best practice, rather than on an ad hoc basis.

### **1.5 Who is this Handbook for?**

OHCHR has prepared this Handbook to assist people and institutions working on, or interested in, national human rights action plans. They include individuals and organizations representing government, civil society, national human rights institutions, the judiciary, the academic world and many other sectors as well as the general community.

Government officials who find the Handbook useful will include not only those working in justice or foreign affairs ministries but also officials working on issues such as health, education, housing or social policy more generally. This applies also to the civil society counterparts of government agencies. In addition, the Handbook should be of interest to parliamentarians as a comprehensive overview of issues relevant to legislative and public policy processes in the field of human rights.

The Handbook will be useful for officials and civil society representatives working in three broad sectors:

- The primary audience will be those working on the development of new national action plans. The Handbook will inform them of the principles and processes involved and the experiences of other countries.
- The Handbook will also be useful to governments and civil society in countries where national plans have already been developed. By providing additional information on the concept and implementation of national action plans, the Handbook may guide further implementation and continuous improvement.
- A third target group is governments and private institutions that wish to provide funds for technical assistance programmes in the field of human rights. The Handbook provides a comprehensive approach to human rights promotion and protection. National action plans set up as result of the Handbook's guidance will contain numerous proposals for activities that could be supported by technical cooperation programmes from donor governments or private foundations.

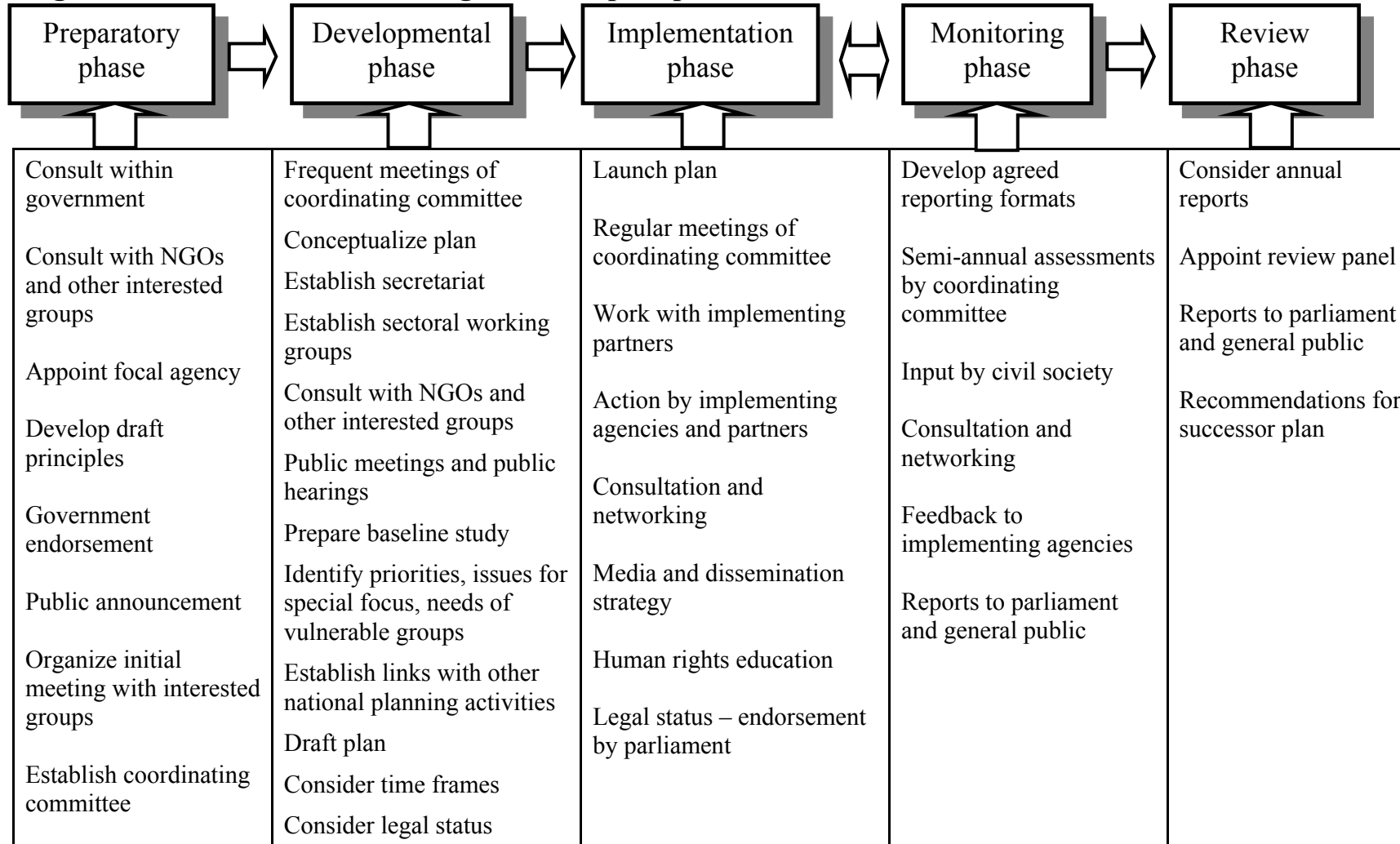
## **1.6 The structure of the Handbook**

The Handbook begins with a description of the origins of the concept of national action plans and their purpose and benefits and reviews progress on implementing the concept in various countries and at international meetings. It then highlights some of the general principles of national plans, outlines steps towards their implementation and notes some of the obstacles that have been identified. It then provides an overview of some of the national plans that have been developed to date.

Moving on from these introductory sections, the Handbook outlines the preparatory phase of national planning, placing particular emphasis on the roles of the different agencies and organizations that will be involved. It gives special attention to the role of civil society. The Handbook next describes the development phase of the plan, in which the details are worked out and drafted. The range of issues that have to be addressed at this crucial stage are described.

The Handbook then moves on to the implementation phase, beginning with its launch and giving particular attention to a media and dissemination strategy. It concludes with sections on monitoring and evaluation, including the desirability of a successor plan, on resources and on international activity.

**Figure 2 – The national human rights action plan process**



# **PART I: THE CONCEPT OF A NATIONAL ACTION PLAN AND EARLY EXPERIENCES**

## **2. Development of the concept of national human rights action plans**

### **2.1 *The 1993 World Conference on Human Rights***

The concept of national human rights action plans was developed as part of the World Conference on Human Rights held in Vienna in 1993. This Conference was a major event in the history of international activity to promote and protect human rights. It was only the second world conference on human rights, the first having been held in Teheran in 1968.

The Vienna Conference undertook a wide-ranging review of progress in the field of human rights since the adoption of the Universal Declaration of Human Rights in 1948. It also sought to identify obstacles to further progress and ways in which they might be overcome. The Conference and its preparatory process thus resulted in a close examination of existing philosophies, concepts and mechanisms as well as many proposals for new approaches to the promotion and protection of human rights.

The document adopted at the Conference, the Vienna Declaration and Programme of Action<sup>3</sup> (VDPA), was particularly important because of its comprehensiveness and because it was agreed by all participating governments. It made many recommendations and suggestions to governments and other actors in the international community regarding actions that could be taken to advance the promotion and protection of human rights. These recommendations were not binding but they have a strong persuasive character owing to the significance of the occasion and the fact that they were unanimously supported.

### **2.2 *What did the Conference say about national action plans?***

The Conference made two recommendations concerning national human rights action plans. Part II, paragraph 71, reads:

*The World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights.*

This paragraph is part of a section of the Declaration that addresses “Cooperation, development and strengthening of human rights”. The section focuses on strengthening national human rights institutions and infrastructures, including through international cooperation and assistance. Paragraph 69 recommends:

---

<sup>3</sup> United Nations document A/CONF.157/23. The VDPA is accessible from the home page of the OHCHR web site ([www.ohchr.org](http://www.ohchr.org)) through the “Index”.

*that a comprehensive programme be established within the United Nations in order to help States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law . . . That programme should make available to States assistance for the implementation of plans of action for the promotion and protection of human rights.*

### **2.3 Why were national action plans proposed?**

The concept of national human rights action plans was based on the view that lasting improvements in human rights ultimately depend on the government and people of a particular country deciding to take concrete action to bring about positive change. External persuasion, and sometimes pressure, has its place in influencing governments to take action, but improved human rights observance cannot simply be imposed from outside.

To promote successful changes in human rights observance as an element of public policy, many factors need to be taken into account. Social planning starts with comprehensive needs analysis and includes wide-ranging and incremental programme proposals, the allocation of resources and effective evaluation.

Genuine improvements in human rights observance require, among other things, attitudinal change, education and training, a sound and independent legal and judicial system and a commitment to the rule of law. They also require the resources and political will to put in place policies and programmes that deliver basic services in areas such as health, education, housing and social welfare, particularly to vulnerable groups.

In proposing the concept of national action plans, the World Conference took the view that a comprehensive structured approach to human rights planning would facilitate the achievement of positive outcomes.

The national action plan concept implies that there are certain general principles that will be applicable to many, if not all, countries. But it has always been central to the national action plan approach that each country starts from its own political, cultural, historical and legal circumstances. There is no single approach that can be applied to all countries. Each has to develop proposals suited to its own situation. This is embodied in the recommendation of the World Conference, which says what a national action plan is, but leaves it up to States to decide what to do.<sup>4</sup>

The national action plan concept also recognizes that no country has a perfect human rights record. The nature of human rights shortcomings will inevitably vary, but each and every member of the international community must take substantive action if the promise of the Charter of the United Nations to “promote social progress and better

---

<sup>4</sup> Whether or not national action plans are used as a vehicle for the promotion and protection of human rights, the Vienna Declaration made it clear that States have a duty to advance human rights: *While the significance of national and regional particularities . . . must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms* (VDPA, Part I, paragraph 5).

standards of life in larger freedom” is to be made a reality. The proponents of the national action plan concept started from the premiss that all share in the challenge to improve human rights observance. On that basis, they believed it should be possible for governments and others to address problems that all face to some degree in a spirit of goodwill and cooperation, just as in other fields such as economic development.

The basic idea endorsed by the World Conference was thus that a country would recognize that it faced a challenge to improve its human rights observance. It would start from its current situation, whatever that might be, and articulate a comprehensive and pragmatic programme of activities aimed at progressively bringing about improvements.

Many elements of such a programme cannot be put in place overnight. However, the first step towards setting a useful process in motion is to encourage the will to bring about change. The recommendations of the World Conference are one element in providing this encouragement. Also important is wider support for the approach from other members of the international community. This can come from the example set by countries that have already begun national action planning, and from the adoption of resolutions by the United Nations and other international and regional organizations. It can also come from advocacy on the part of civil society and the provision of technical cooperation, both through the Office of the United Nations High Commissioner for Human Rights and bilaterally.

## **2.4 Purposes and benefits of national plans**

The fundamental purpose of a national human rights action plan is to improve the promotion and protection of human rights in a particular country. It does this by placing human rights improvements in the context of public policy, so that governments and communities can endorse human rights improvements as practical goals, devise programmes to ensure the achievement of these goals, engage all relevant sectors of government and society, and allocate sufficient resources.

The benefits of this approach as compared with less comprehensive or systematic approaches include the following:

- A national action plan should stimulate a more comprehensive assessment of needs in the country concerned and, by making plans explicit both to the government itself and to the general public, can generate a commitment to achievement that would not otherwise exist;
- National action plans are practical in orientation: they set achievable targets and propose realistic activities aimed at reaching these objectives;
- National action plans can be a tool of sound public administration and governance, leading to:
  - ✓ A stronger rule of law, enhancing management of the State and economic performance as well as the rights of citizens;
  - ✓ Promotion of national cohesion by encouraging an environment of tolerance, harmony and common purpose even where there is diversity;



- ✓ Effective promotion of programmes in areas such as education, health, housing, nutrition, social services and administration of justice, thereby enhancing the quality of life for all;
- ✓ Reduced risk of catastrophic unrest and conflict that can have long-lasting adverse impacts on the State and its people;
- A national action plan necessarily mobilizes a wide range of people and organizations in support of human rights activity. It therefore raises awareness and positive interest both within government and in the wider community;
- A comprehensive and structured approach is more likely to ensure that the concerns of specific or vulnerable groups, such as women, children, minorities and indigenous peoples, are more effectively addressed;
- A national action plan can facilitate the mobilization of domestic and international resources, including through United Nations and other programmes of technical cooperation, for countries that need resources, training and expertise to achieve their human rights goals;
- National action planning takes an essentially non-confrontational approach to the consideration of human rights issues. By avoiding the recriminations that sometimes make human rights work more difficult, it may be possible to keep all relevant actors engaged in the task and cooperating more constructively.

More specific purposes are:

- To provide guidance to government officials, non-governmental organizations (NGOs), professional groups, educators, advocates and other members of civil society regarding the tasks that need to be accomplished to ensure that human rights are effectively observed and to promote cooperation among these groups;
- To establish or strengthen national or issue-specific institutions dealing with human rights;
- To promote the universal ratification of international human rights treaties, facilitate the effective observance by governments of their obligations and promote conformity of national legislation with international standards;
- To promote wider awareness of human rights standards and mechanisms, including among those whose actions are particularly critical, such as police, security forces, prison staff and politicians as well as government officials and other workers in social fields;
- To promote and maintain a high level of awareness of the state of human rights observance in the country;
- To develop programmes specifically directed towards alleviating the human rights situations of vulnerable groups in society;

- To emphasize the role of human rights in national development.

## **2.5 What has been done since Vienna?**

Australia was the first country to elaborate a national human rights action plan. This plan, covering the five-year period 1994-1998, was submitted to the Commission on Human Rights at its fiftieth session in early 1994. Since then plans have also been finalized by the Governments of Bolivia, Brazil, Democratic Republic of the Congo, Ecuador, Indonesia, Latvia, Malawi, Mexico, Norway, the Philippines, South Africa, Sweden, Thailand and Venezuela.<sup>5</sup> Other countries have initiated the process of developing a national action plan. They include Cape Verde, Jordan, Mongolia and Nepal.

The plans that have been developed so far vary considerably in scope and approach. They are described in chapter 4 below.

Simultaneously with the work undertaken at the national level, the Office of the High Commissioner for Human Rights and governments have also taken action in the framework of the United Nations human rights programme. One of the first regional workshops on human rights national plans was convened in Bangkok, Thailand, from 5 to 7 July 1999. An important part of the background documentation for that workshop was a “Compendium of National Plans of Action” reproducing the text of plans that had been drawn to the attention of OHCHR.<sup>6</sup> The Bangkok Workshop adopted an important set of conclusions on the subject, including a set of *Possible elements to facilitate the development of national action plans for the promotion and protection of human rights*.<sup>7</sup> The “Possible elements” set out general directions and purposes for national action plans and proposed steps for the development of a plan:

- Establishment of a national coordinating committee;
- Preparation of a baseline study of the state of human rights in the country concerned;
- Selection of components of a national plan;
- Development of priorities and strategies;
- Drafting of the plan;
- Implementation of the plan;
- Monitoring and revision.

The conclusions of the Eighth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, held in Beijing from 1 to 3 March 2000, reaffirmed the desirability of developing national human rights plans of action and endorsed the dissemination of this Handbook.

---

<sup>5</sup> These are national action plans that have come to the attention of OHCHR. There may be others that have not yet been drawn to its attention.

<sup>6</sup> Accessible from the OHCHR web site: [www.ohchr.org/html/menu6/apw.htm](http://www.ohchr.org/html/menu6/apw.htm).

<sup>7</sup> Accessible from the OHCHR website: [www.ohchr.org/html/menu6/bgkcncls.htm#annex](http://www.ohchr.org/html/menu6/bgkcncls.htm#annex).

## **2.6 National plans of action for human rights education**

Within the framework of the United Nations Decade for Human Rights Education (1995-2004), both the General Assembly and the Commission on Human Rights called on States to develop comprehensive, effective and sustainable national plans of action for human rights education.

To assist in this undertaking, OHCHR facilitated the development of *Guidelines for National Plans of Action for Human Rights Education*<sup>8</sup> in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), several resource persons and practitioners. The Guidelines, published in 1997, include a set of principles for effective human rights education and a step-by-step strategy to develop national plans in this area.

The Guidelines stress that national human rights education plans should incorporate networks, experiences and programmes already in place. National strategies should be developed and implemented through a creative mixture of governmental and non-governmental institutions and organizations. They can include several courses of action such as the integration of human rights education into all levels of formal education; relevant training of professionals or other groups (in particular vulnerable groups); public awareness campaigns; the translation, production and revision of materials; research and legislative reform. The Guidelines also stress the importance of having monitoring and evaluation mechanisms included in the national plan.

A national plan of action for human rights education should clearly form an integral part of a general national human rights action plan, as should other relevant national action plans relating, for example, to women, children, minorities and indigenous peoples. Many of the principles and strategies elaborated in the *Guidelines for National Plans of Action for Human Rights Education* are equally relevant and applicable to the preparation of general national human rights action plans.

## **3. More about national human rights action plans – general principles**

The idea of national action plans centres on encouraging change within each country according to the country's own circumstances. Thus, national action plans are concerned with mobilizing the will to change and developing appropriate mechanisms. It is important to recognize that the will to change may manifest itself in various ways and that the situations in which important actors operate are often complex. In responding to this complexity, it is easier for governments to implement positive changes if they use mechanisms similar to those they employ in other areas of administration. Achievement of national human rights action plan objectives will thus coincide with achievement of linked national objectives such as social harmony and economic development.

---

<sup>8</sup> United Nations document A/52/469/Add.1 and Add.1/Corr.1. This document is accessible from the home page of the OHCHR web site (<http://www.ohchr.org>) through "Human Rights Education and Training".

The process of development of national action plans and their content depend on the specific circumstances prevailing in individual countries. However, there are some general principles that apply to all national action plans, namely:

- The importance of the process;
- Commitment to universal human rights standards;
- Implementation of international obligations;
- Interdependence and indivisibility of human rights;
- Action orientation;
- Public participation;
- Monitoring and evaluation;
- A continuing process;
- A national undertaking;
- The international dimension.

### Figure 3 – General principles

- Process and outcome are equally important
- There should be a broad and intensive consultation process with civil society and the general public
- The plan should be a national undertaking, involving all elements of society
- The plan should be a public document
- The plan should incorporate a commitment to universal human rights standards and set out how these standards will be effectively implemented
- The plan should be comprehensive in scope, reflecting the interdependence and indivisibility of human rights
- The plan should be action-oriented
- Effective monitoring and review of implementation is essential
- The national action plan process should be continuous, with the conclusion of one plan leading to the commencement of another
- National action plans have international dimensions

The following sections outline these principles, which are discussed in greater detail later in the Handbook.

### 3.1 *A process as well as an outcome*

A national action plan is both **an outcome and a process**, each equally important. The outcome is the plan itself and the activity that flows from it. The plan should be developed as a substantial and comprehensive document and it should trigger activity in a wide range of areas of public administration. At the same time, the manner in which a national action plan is developed will influence its chances of success. Key elements are the extent to which the plan enjoys high-level support and the breadth and depth of the consultation process. Section 7.1 elaborates on this point.

Contemporary society all over the world increasingly demands a participatory and transparent approach to public policy-making. A national action plan must provide a central role for civil society. It should embrace the broadest range of participants from

all sectors of society – human rights NGOs and community organizations of all types, as well as relevant individuals. This is all the more important in the area of human rights, where individuals feel touched by developments and outcomes. An effective consultation process during the development of the plan will encourage broader understanding and acceptance of it. The consultation process is crucial for the credibility and, ultimately, the effectiveness of the plan.

In addition to their concern with questions of principle, human rights NGOs and other representatives of civil society are involved at grassroots level in the protection of human rights and the identification of human rights problems. They also embody powerful reserves of commitment and energy. They are thus often best placed to make a substantive and constructive contribution to the national plan development process.

Consultation and coordination within government are also crucial. The involvement of a wide range of government agencies in developing and implementing the plan will reinforce the notion that human rights are not just a matter for justice or foreign affairs ministries, but are the responsibility of government as a whole. Commitment by public officials to the plan is vital to ensure that a plan's substantial human and financial resource requirements are met.

Visible support from the top echelons of government will help mobilize bureaucratic action more effectively, give a much higher public profile to the plan and ensure that the process is sustainable. Multi-party political support is also very important. A national human rights action plan should be based on lasting universal standards that are shared by all sectors of society. It is part of a long-term process of enhancing national observance of universal standards that should survive changes of government and be above political dispute.

### **3.2 *Commitment to universal human rights standards***

A credible national action plan must be built on a **commitment to universal human rights standards**. An important element of any national action plan should be a commitment to the Universal Declaration of Human Rights. Embracing both civil and political rights and economic, social and cultural rights, it constitutes the foundation of the international human rights system. In United Nations resolutions dealing with human rights, the nations of the world have time and time again unanimously reaffirmed the Universal Declaration.

The 171 nations attending the 1993 World Conference on Human Rights reaffirmed in the Vienna Declaration and Programme of Action “their commitment to the purposes and principles contained in the Charter of the United Nations and the Universal Declaration”. They emphasized the Universal Declaration’s description of itself as “a common standard of achievement for all peoples and all nations”. They reaffirmed “the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all”. The Conference further stated that “the universal nature of these

rights and freedoms is beyond question”.<sup>9</sup> To mark the fiftieth anniversary of the Universal Declaration in 1998, the States Members of the United Nations reaffirmed the centrality of the Declaration in resolutions of the General Assembly and the Commission on Human Rights<sup>10</sup> as well as in numerous other commemorative activities.

These resolutions also stressed “the necessity for further *national* efforts as well as enhanced international cooperation, with a view to fully realizing all human rights and fundamental freedoms” (emphasis added).

The status of the Universal Declaration makes it highly desirable that any national human rights action plan should start with an endorsement of the universality and relevance of the Declaration as the basis for the plan’s content. As the national action plan is designed to be a practical instrument, the speed with which countries realize their international human rights obligations will vary, particularly in relation to the resources available. But the content of the plan must, as a minimum, conform to the standards set out in international human rights instruments. Otherwise, it will lack credibility among its stakeholders and in the international community.

### **3.3 Implementing international human rights obligations**

Following the adoption of the Universal Declaration of Human Rights, the United Nations drafted two treaties that elaborated on the provisions of the Universal Declaration in a way that made them legally binding on countries that agreed to ratify them. The two treaties were the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together with the Universal Declaration, they constitute the International Bill of Human Rights.

Subsequent instruments also elaborated on the basic expression of rights in the Universal Declaration, specifying how these rights apply to specific groups of people such as women, children and migrant workers or to certain problems such as torture and racial discrimination. All countries have become party to at least one of those treaties and most countries have ratified or acceded to several. For countries that have accepted them, human rights treaties such as covenants and conventions create obligations on governments under international law to observe their provisions. While not binding in the same way as treaties, human rights declarations set out principles that countries should observe, particularly if they are a party to a related human rights treaty.

The ratification of international standards such as the two Covenants is, of course, only one element in the effort to ensure the widest possible enjoyment of human rights. To be truly effective, ratification of an international human rights instrument may need to be accompanied or followed by legislative action to give it effect in

---

<sup>9</sup> Vienna Declaration and Programme of Action, preambular paragraphs 3 and 8 and paragraph 1(I).

<sup>10</sup> General Assembly resolution 53/168 of 10 December 1998 and Commission on Human Rights resolution 1997/35 (the text of all General Assembly and Commission resolutions are accessible on the OHCHR web site, through “Documents” on the home page).

domestic law (where this is necessary in the legal system of the country concerned). In many cases, international human rights standards have been incorporated in national constitutions. Policy and administrative steps to give effect to the legislation are needed to back up ratification. In this process of giving practical effect to international obligations, a national action plan must review the range of a country's human rights commitments and propose steps to ensure that they are effectively observed at the domestic level. This is addressed in sections 9.7.1 and 9.7.3.

In addition to their substantive provisions, international human rights instruments require States parties to take measures to give effect to relevant rights. Comprehensive and effective national action plans can assist States in meeting these obligations. This is particularly relevant to States parties to the International Covenant on Economic, Social and Cultural Rights, who are under an obligation to achieve progressively, by all appropriate means, the full realization of the rights recognized in the Covenant.

The provisions of declarations should also be worked into national action plans as a means of promoting the widest possible observance of human rights.

The scope of international human rights instruments is wide. It is important to note that most countries have ratified most instruments. In addition to the International Bill of Human Rights, the other major human rights treaties and declarations<sup>11</sup> include:

- Convention on the Prevention and Punishment of the Crime of Genocide;
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW);
- Convention on the Rights of the Child (CRC);
- Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Declaration on the Right to Development;
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;
- Declaration on the Elimination of Violence against Women;
- Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;
- Statute of the International Criminal Court.

---

<sup>11</sup> The texts of these and many other United Nations human rights instruments may be found on the OHCHR web site ([www.ohchr.org/html/intinst.htm](http://www.ohchr.org/html/intinst.htm)).

Numerous International Labour Organization (ILO) conventions are also relevant, particularly the following:

- Forced Labour Convention, 1930 (No. 29);
- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87);
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98);
- Equal Remuneration Convention, 1951 (No. 100);
- Abolition of Forced Labour Convention, 1975 (No. 105);
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- Minimum Age Convention, 1973 (No. 138);
- Occupational Health and Safety Convention, 1981 (No. 155);
- Indigenous and Tribal Peoples in Independent Countries Convention, 1989 (No. 169).

The following table shows the number of ratifications<sup>12</sup> for a selection of instruments:

International Covenant on Civil and Political Rights	148
International Covenant on Economic, Social and Cultural Rights	145
International Convention on the Elimination of All Forms of Racial Discrimination	162
Convention on the Rights of the Child	191
Convention on the Elimination of All Forms of Discrimination against Women	170
Convention against Torture and Other Inhuman or Degrading Treatment or Punishment	130
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	19
Statute of the International Criminal Court	78
ILO Convention No. 87 Freedom of Association and Protection of the Right to Organize	141
ILO Convention No. 111 Discrimination (Employment and Occupation)	156

The high number of ratifications is further evidence of the universality of human rights and of the willingness of States to take specific action to guarantee the observance of human rights within their jurisdictions.

<sup>12</sup> Status of ratification as of 24 August 2002. This reference is accessible from the home page of the OHCHR web site through “Status of ratification”: <http://www.ohchr.org/pdf/report.pdf>. The “Status of ratification” of ILO conventions can be found on <http://ilolex.ilo.ch:1567/english/docs/convdisp.htm>.

The status of ratification of the Statute of the International Criminal Court can be found at: <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXVIII/treaty10.asp>.



### **3.4 Interdependence and indivisibility of human rights**

A national action plan should adopt a **comprehensive approach** to human rights, giving equal attention to all categories of rights. These embrace economic, social and cultural rights and the right to development as well as civil and political rights. The plan's comprehensiveness should be demonstrated by its application to all persons within a national jurisdiction, particular attention being given to the rights of women, children and other vulnerable groups. This comprehensive scope flows from the universality and indivisibility of human rights and the equality of all human beings.

Indivisibility is a practical rather than a theoretical issue. For example, persons who are homeless or badly housed suffer a violation of their right to housing. However, the absence of adequate housing is also likely to cause poor health, to interfere with family life and education, to hinder employment opportunities and to undermine civil and political rights. This may lead to discrimination and social exclusion, and to problems with the justice system.

Such an analysis can be applied to most areas of rights. Clearly, it is important for very practical reasons of individual well-being, broad social cohesion and national development to take a comprehensive approach to human rights improvements, seeking progress in all areas.

While a national action plan should be based on a comprehensive approach to human rights, there are a variety of ways in which such an approach can be reflected in the plan. This issue is discussed in greater detail in section 9.7.2.

### **3.5 Action orientation**

A national action plan should, of course, be **action-oriented**. Just as the ratification of international treaties must be followed by steps that give effect to the principles they contain, so the drafting of a national action plan must also facilitate its implementation. Rather than setting forth claims and vague promises, a national action plan should:

- Indicate clearly what the current situation is;
- Identify what problems need to be overcome;
- Specify what action will be taken (in terms that provide benchmarks for the evaluation of progress);
- Specify who is to take the action;
- Establish a firm time frame in which action will be taken; and
- Provide for effective monitoring and evaluation of what has been done.

Many of those involved in implementing the plan will probably be from organizations other than those with primary responsibility for its management. It is important to ensure that all those implementing the plan fully accept the need for concrete outcomes. This underscores the need for an inclusive approach to development of the plan.

With this action-oriented approach in mind, it would probably be useful to make a distinction between objectives that are achievable within a limited time frame and others that may be desirable in the long term or have inspirational value. The objectives achievable in the short term could then be described in terms of the five considerations set out above so that both those responsible for implementing the plan and those affected by specific measures have a clear idea of what the target is and how achievement can be measured.

How to produce meaningful action is, of course, the central purpose of this Handbook on national action plans. Chapters 5 to 12 provide detailed guidance.

### **3.6 A public document**

#### *Dissemination*

A national action plan is a **public document** that must be widely disseminated and easily obtainable. The plan should be launched and reviewed with high-level political involvement so as to ensure media coverage. Alongside the plan itself, there should be a media strategy to ensure that the widest possible spectrum of the public is involved in the development and implementation of the plan and is aware of its importance. For this aspect of the plan to be implemented successfully, appropriate resources should be made available as an integral part of the plan.

#### *Education*

Implicit in the concept of a national action plan is the central place of education about human rights. National action plans can educate citizens as well as public officials about the human rights situation in their own country. Organizations or individuals responsible for discrete aspects of the plan should be made aware of the plan's requirements and given the necessary training or resources to enable them to meet the outcomes specified.

#### *Translation and special needs*

Where significant minority language groups exist, translation should be undertaken. Similarly, attention should be given to ensuring that citizens with special communication needs are taken into account, for example people with disabilities or poor literacy skills.

Section 10.4 expands on how the document can be effectively disseminated, while section 10.5 deals with human rights education.

### **3.7 Monitoring and evaluation**

Any serious planning process must be organized in a systematic way. We have already indicated that the process should include an assessment of the current situation and clear objectives and performance indicators. This is, however, only part of what is needed. Just as with technical planning processes, national human rights

action plans should also incorporate mechanisms for the **monitoring** of progress and for **evaluation** of the plan's achievements. Human rights issues are ultimately just as important as other areas of public administration. Every effort should thus be made to avoid a situation in which human rights objectives are launched with great fanfare but are then left to wither because of lack of follow-through.

There will be a variety of possible monitoring mechanisms but, whatever mechanism is chosen, it should have high-level support and weight within government so that government agencies respond to its recommendations and proposals. Ideally, a government minister should lead the monitoring process. Monitoring should involve all relevant layers of government in order to ensure that appropriate responsibility is taken for ensuring the plan's implementation. Civil society – genuine representatives of stakeholders – should be welcomed into the monitoring process to encourage greater transparency and objectivity in evaluation.

The monitoring mechanisms should meet at reasonable intervals during the life of the plan. The reviews should honestly identify shortcomings and obstacles and propose remedies to ensure that objectives are met. Towards the end of the life of the plan, it is desirable for an independent evaluation to be carried out. The plan's achievements can then be assessed and recommendations made for subsequent plans.

Monitoring and evaluation are dealt with in detail in chapters 11 and 12.

### **3.8 A continuing process**

Promoting and protecting human rights is a **continuing process**. There is no country that can seriously expect to resolve all its human rights problems within a relatively short time frame. This means that a national human rights action plan should be viewed as part of a long-term process. As one plan draws to an end, another should be developed to take its place, just as with economic plans. Happily, this seems to be developing as the practice of States that are working on national plans. Some of the first States to have drawn up a national plan are now developing a successor plan.

The monitoring and review process can thus feed into the planning of the next national action plan by identifying to what extent problems have been overcome and by focusing attention on areas where further action needs to be taken. Subsequent plans will also take into account emerging human rights issues and new international standards. The process of renewing the national action plan will itself reinvigorate the commitment of all stakeholders to the promotion of human rights and enhance the dissemination of information about human rights.

### **3.9 A national undertaking**

A national action plan should be regarded as a **truly national undertaking** involving all elements of society. To make a real difference, it needs to be “owned” by the entire population. This is another way of looking at the elements of seriousness of purpose, inclusiveness, action orientation and publicity. It underscores that a national human rights action plan is a mechanism for the effective pursuit of national goals.

Government, in seeking to achieve its objectives, must bring stakeholders into a meaningful partnership.

This does not mean that governments should stand back from the process. Indeed, they will need to take an active stance by promoting the national action plan at all stages and ensuring that it remains a living document. Through such a broad-based effort, better results may be expected in terms of enhanced public awareness and strengthened institutions.

### **3.10 *The international dimension***

It is important for countries that have established national action plans to be involved on the **international** stage as well. By developing and implementing a national action plan, a country is making an unambiguous statement not only to its own people but also to the outside world about its human rights agenda. By having a clear programme that reflects internationally agreed guidelines and accords with international best practice, countries are in a better position to seek technical and other assistance in overcoming human rights problems, especially in areas where domestic expertise or resources are limited. Countries that have already established a national action plan are also in a position to provide guidance, if requested, to others that are in the process of developing a plan. This may be done through seminars and technical assistance. In addition, information that is publicly available through international networks will encourage those considering or working on the development of a plan. Through such international activity, the promotion and protection of human rights will be seen as a truly common endeavour aimed at ensuring the observance of universal principles.

International issues are further addressed in chapter 13.

### **3.11 *Potential difficulties***

Pursuing a national action plan approach to improving human rights observance has many advantages. However, it would be misleading to suggest that there are no obstacles, difficulties or potential criticisms of the process. The Handbook addresses many of these issues in passing, but it is appropriate to consider them as a specific issue that deserves attention.

Some of the potential difficulties are conceptual, some are political and some are practical.

One concern is that because of the great differences between States – in terms of culture, political systems and economics – it is inappropriate to develop guidelines intended to apply to all of them. However, human rights have progressively been accepted as an issue demanding international cooperation and the development of international guidelines for action is consistent with practice in many other areas. A national action plan may be viewed as a voluntary mechanism for implementing more effectively principles to which a country has already given a commitment. In this sense, the development and implementation of a national action plan may be viewed as a means of strengthening a nation's individual capacities.

Another conceptual issue is the view of some governments that they already have a good human rights record and it is therefore unnecessary for them to spend time and effort developing a national action plan. This overlooks the fact that all countries face human rights shortcomings of one kind or another. Even those that have relatively good records often face difficulties in the areas of discrimination and economic, social and cultural rights.

A possible political difficulty is the perception that a national action plan might provide a basis for political attacks on existing governments or institutions. There are two broad points that may be made in response to this.

- One is that the objectives of a national action plan are consistent with many of the central objectives of any government. These include increasing the standard of living and quality of life of a country's citizens and promotion of national cohesion. They also include strengthening of legal systems so as to enable a country's administration and institutions to function more effectively, promotion of greater trust between government and citizens and enhancing a country's international reputation. If developed properly, the plan should thus strengthen the institutions of the State and enjoy broad support.
- The other point is that the national action plan process should be carried out in an inclusive manner. While the content of the plan may well be the subject of lively discussion, the aim should be to involve all sectors of the community and all political forces in its development so that it is seen as a common endeavour around which all are united. Realistically, of course, there will be difficulties from time to time. The aim should be to work through these pragmatically bearing in mind the great value of the overall plan objectives.

The following are some of the practical problems experienced in countries where a national plan has already been adopted:

- Possible duplication by a baseline study of existing human rights needs assessments;
- Lack of clear prioritization of objectives, particularly in view of limited availability of resources;
- Overly ambitious and ultimately unrealistic objectives;
- Preparatory processes too elaborate and requiring too many financial and human resources;
- Failure to take into account existing initiatives, particularly by civil society organizations;
- Lack of agreement on implementing and monitoring responsibilities;
- Unmet expectations in establishing a follow-up secretariat responsible for monitoring implementation;
- Insufficient coordination and ownership among relevant actors and an ineffective division of labour among them;
- Emphasis on relatively cost-intensive proposals in an unsuccessful effort to attract major donor funding.

There are many other practical challenges facing the development and implementation of a national action plan. In later chapters, this Handbook discusses and offers suggestions on the mobilization of resources, the identification of implementing partners, raising public awareness, monitoring and so on. If a country focuses on appropriately practical measures, these problems need not stand in the way of proceeding with a plan. An important resource for countries embarking on the process and considering how to overcome some of the practical problems is the experience of others. There is a willingness in the international community to provide both expertise and resources to help those working on national plans. As well as providing general guidance and resources, this assistance helps countries to avoid or address some of the practical challenges they may be concerned about.

## 4. Eleven national action plans

At the time this Handbook was finalized, the following fifteen<sup>13</sup> Member States had prepared national action plans:<sup>14</sup>

- Australia (1993)
- Malawi (1995)
- Latvia (1995)
- Philippines (1996)
- Brazil (1997)
- Ecuador (1998)
- Indonesia (1998)
- Mexico (1998)
- South Africa (1998)
- Venezuela (1999)
- Bolivia (1999)
- Norway (1999)
- Democratic Republic of the Congo (2000)
- Thailand (2001)
- Sweden (2002)

Eleven of the 15 plans and the processes leading to their adoption are discussed in detail in this chapter. Although they vary significantly in length, format and scope, they share many common features. The following outline summarizes these eleven plans and is followed by a section on their common elements.

### 4.1 *Australia (1993)*

The Australian “National Action Plan” is contained in a 127-page book. This was the first national action plan and its preparation reflected Australia’s leading role in promoting the concept at the Vienna World Conference on Human Rights. While the plan itself does not indicate how it was prepared, it was developed in late 1993 by an interdepartmental committee of government officials, led by the Department of Foreign Affairs and Trade and the Attorney-General’s Department. There was some consultation with the NGO community. The plan was made publicly available, although there was no media campaign associated with its launch.

The Australian plan was drafted within a tight time frame of several months so that it could be presented to the Commission on Human Rights at its fiftieth session in 1994. The document contains a foreword by the Acting Prime Minister of Australia, who described the plan as a “clear statement of Australia’s commitment to the protection and implementation of human rights at a national level”. He said “the document identifies the challenges ahead and possible future action to be taken by the Australian Government”. While the plan document does not explicitly refer to its time frame,

---

<sup>13</sup> There may be other plans that have not come to the attention of OHCHR.

<sup>14</sup> The full texts of most of these plans may be found on the OHCHR web site at [www.ohchr.org/html/menu2/plan\\_action.htm](http://www.ohchr.org/html/menu2/plan_action.htm).

other Australian Government statements indicated that it was intended to cover the five-year period from 1994 to 1998.

The plan begins with a preamble, which is useful as a guide to the Australian system of government for non-Australian readers. The plan is comprehensive in its scope and gives particular attention to economic, social and cultural rights and the rights of vulnerable groups. It also addresses how Australia can strengthen its adherence to international norms, better incorporate international standards into domestic law, strengthen its human rights institutions, promote human rights education and strengthen its international relationships in the field of human rights.

The plan is structured around suggestions as to how the plan could promote improvements in the observance of human rights in Australia. To provide an indication of this approach, the following is a selection of section headings:

*(a) Indicate the United Nations or regional human rights instruments Australia intends to ratify and outline concrete steps by which this objective is to be achieved*

...

*(e) Develop targets for Australia in the area of economic, social and cultural rights and indicate progress towards their achievement, for example, by:*

...

*(ii) the right to health*

...

*(vii) the right to an adequate standard of living with particular reference to housing*

...

*(i) Define a programme of human rights information and education, including in school curricula and the workplace, for Australia*

Each section contains three sub-sections:

- *Features of Current Policy*, which contains a description of action undertaken so far in the relevant area;
- *Challenges Ahead*, which provides some assessment of the shortcomings in the present situation; and
- *Proposed National Action*, which identifies action Australia will or could take to address the challenges and thereby improve the observance of human rights.

The Australian plan made no provision for a monitoring or review process. The Australian Government did, however, submit two reports to the Commission on Human Rights covering progress towards achieving the plan's goals. During the period of the first plan, Australian officials foreshadowed the preparation of a further plan, with the implication that the original plan would then be reviewed. The Australian Government subsequently announced, on Human Rights Day, 10 December 1998, that a new plan would be prepared. At the time of drafting this Handbook, work continues on this project.



## **4.2 Malawi (1995)**

The Malawian “1995 - 1996 National Plan of Action in the Field of Human Rights” is set out in a four-page document, with an introduction drafted in the form of a resolution. It begins with a preamble asserting Malawi’s “commitment to building a State based upon democracy, human rights and fundamental freedoms protected under the rule of law”, a reflection of the fact that Malawi held its first democratic, multiparty elections ever in 1994. The preamble also emphasizes the importance of international assistance and cooperation and refers to the recommendation on national action plans in the Vienna Declaration and Programme of Action.

The plan was drafted and adopted by the Inter-ministerial Committee for Human Rights and Democracy. The Committee was chaired by a high official from the Office of the President and Cabinet and comprised the Permanent Secretaries of all the ministries most directly concerned with human rights as well as representatives of Parliament, the judiciary and the police. The plan was subsequently adopted by the Cabinet and publicized in the national media.

The Malawian plan is structured around five sections:

- A. The Creation of an Effective Legal Framework for the Promotion and Protection of Human Rights;
- B. The Strengthening of Implementation Mechanisms;
- C. Public Information and Training Campaigns;
- D. The Strengthening of National Monitoring Capacity;
- E. Implementation of the National Plan of Action.

In section A, the plan notes that international human rights treaties to which Malawi is a State party have been incorporated in domestic legislation through the Constitution. In the plan, the Government undertook to facilitate wide awareness of these provisions and to consider ratification of instruments to which Malawi was not a party. The Government also undertook to review domestic law and practice to ensure conformity with international standards.

Section B contains an undertaking to ensure that provisions of applicable human rights treaties are reflected in policy formulation. The Government undertook to establish human rights focal points in relevant departments and agencies, which would have responsibility, inter alia, for preparing reports required by the treaties. This would be done in consultation with concerned NGOs. Steps would be taken to reform and strengthen the administration of justice in Malawi.

In the Section on “Public Information and Training Campaigns”, the Government undertook to disseminate widely the texts of treaties and to develop special materials for the general public. It also indicated it would take steps to develop relevant school and tertiary courses. The plan envisaged the involvement of NGOs in this process.

In section D, on “Strengthening National Monitoring Capacity”, the Government committed itself to ensuring effective and independent monitoring of human rights treaties and stated that it would seek assistance for the establishment of an office of

ombudsman and a human rights commission. This section also strongly encouraged international assistance and cooperation aimed at strengthening Malawian NGOs.

The plan addresses the issue of implementation in section E, in which it envisages seeking international assistance for establishing a secretariat for the Inter-ministerial Committee on Human Rights and Democracy that would facilitate achievement of the goals of the plan. This process would also identify obstacles and difficulties, which would form the basis of a successor plan of action. A national workshop involving representatives of the relevant ministries and all branches of government as well as NGOs, the media and the donor community was convened in 1996 to review the progress achieved under the plan. As might be expected for a relatively short plan with a limited number of priority goals, many of the objectives were achieved, although not within the two-year time frame. At the time of writing, the Government was considering adopting a second plan of action.

### **4.3 Latvia (1995)**

The “National Programme for the Protection and Promotion of Human Rights in Latvia” is contained in a 30-page document. As in the case of the Malawi national plan of action, the preparation of the Latvian plan owed much to international technical advice, particularly through an international mission that visited Latvia in July 1994. The programme document itself does not specify how the programme was developed, but the international mission met with a broad range of government representatives, political figures, civil servants, NGOs and others. Two forums with NGOs were held before the plan was adopted by the Government.

The programme does not attempt a systematic analysis of the situation of human rights in Latvia, but it does outline factors that make such a plan necessary, such as the perception that the term “human rights” had lost meaning over the years.

Another feature of the programme is the importance it ascribes to the establishment of an independent institution for the protection of human rights that would provide information to the general public, prepare reports on human rights issues and review individual complaints. The concluding section describes this institution, the Human Rights Council of Latvia, as the centrepiece of the programme and sets out in detail the factors that make it necessary, its terms of reference and powers. The conclusions also outline a national programme of human rights education that should be one of the first priorities of the Council.

The programme document has five substantive sections:

#### *1. Education, training and information*

This area of the programme outlines the need for the introduction of human rights elements into the formal curriculum, teacher training, training for personnel in the legal system and information for the general public, including information on Latvia’s international human rights obligations.

## 2. *Issues relating to the protection of the rights of vulnerable groups*

This section describes needs and measures relating to children, religious organizations, non-citizens, prisoners, refugees and people with physical, intellectual or psychiatric disabilities. The programme notes that the issue of non-citizens is controversial and that it is important to introduce legislation as soon as possible and to conduct a widespread information campaign about the status and rights of non-citizens.

## 3. *The existing national framework*

This section surveys relevant institutions of the State and draws attention to areas where steps need to be taken. For example, the programme notes that it is important to ensure that Members of Parliament have access to advice on Latvia's international human rights obligations, that members of the public know about mechanisms for redress of problems and that an environment is developed in which NGOs can operate effectively.

## 4. *The media*

This section briefly refers to the importance of free and independent media and to training needs.

## 5. *The international framework (Latvia's international treaty obligations)*

This section notes that Latvia has international obligations under instruments of the United Nations, the OSCE and the Council of Europe.

Although the programme does not refer to monitoring or implementation mechanisms, Latvia considers that most of its objectives have been met. There is now greater public awareness of human rights, with an active NGO community. An independent national institution has been established, human rights training programmes have been put in place for relevant sectors, domestic legislation has been adopted and international treaties have been ratified.

The programme does not establish a time frame for its implementation but it is recognized that the existing document should be revised or updated to include new objectives and strategies.

### **4.4 *The Philippines (1996)***

The "Philippines Human Rights Plan 1996 - 2000" is contained in several documents, with a 20-page summary. A feature of the plan was the central role given to the Philippines Commission on Human Rights (PCHR) in coordinating its implementation. Another feature was the extensive consultation between the Government and NGOs prior to its adoption.

In response to the recommendation of the Vienna World Conference, the PCHR initiated action on its own account in 1994 to propose a national plan. This was

subsumed in a Presidential Memorandum issued in early 1995 that established a task force comprising representatives of the Government and NGOs to prepare the plan.

The task force worked to a set of guiding principles that asserted the universality of human rights, the need to focus on vulnerable groups and the importance of broad community support. In developing the plan, it focused on 13 groups (later expanded to 16) that had been officially recognized by the Government as vulnerable and needing special consideration. A structured process of consultation and review was put in place involving the preparation of a range of proposals and regional action plans. The process included meetings and consultations in many areas of the country, which contributed to a national process that also involved public meetings and consultations. Another feature of the Philippines plan was the attention given from the start to budgetary issues. The task force established a special committee to review financing requirements for proposed activities under the plan and to identify sources of funds.

All this activity fed into the broad-based presidential task force that produced the plan. The draft plan was submitted to the President in September 1995 and, after some further revision, was adopted in June 1996. It set itself a five-year time frame, for the period 1996-2000. This was later extended to 2002.

The vulnerable groups identified in the plan are women, children, youth, indigenous cultural communities, Muslims, the elderly, persons with disabilities, the mentally disabled, prisoners and detainees, migrant workers, public-sector labour, private-sector labour, informal labour, the urban poor and rural workers. A uniform presentation was adopted for each sector. The summary of the plan does not set out a systematic analysis of the situation in each sector but summarizes the major problems faced. The plan contains a brief discussion of the rights of each sector as well as a summary of current programmes of the Government and NGOs. The plan then proposes measures for legislative, administrative and other actions to address the issues affecting the human rights of people in each sector.

Looking at the issue of women as an example of the plan's approach, the issues identified include:

- Discriminatory legislation;
- Violence against women; and
- Failure to recognize women's rights, for instance in relation to health, reproductive rights, stereotyping, sexism and limited educational and employment opportunities.

The legislative measures proposed include:

- Repeal of discriminatory laws;
- Amendment of legislation that is not responsive to the needs of victims of violence against women, redefinition of concepts of trafficking in persons, rape and domestic violence;
- Legislation to eliminate discrimination.

Administrative measures include:

- Encouraging measures to promote the participation of women in politics and governance;
- Organization of support groups and projects to assist victims of violence against women;
- Action on sexual harassment;
- Arrangements to protect migrant workers;
- Incorporation of the gender perspective at all levels of education and in the health system.

The plan also provides for actions in other areas that would help alleviate the problems identified.

The implementation mechanisms for the plan include the creation of inter-agency “Sectoral Working Groups” that would operate in conjunction with the PCHR to oversee relevant activities. Another important feature of the Philippines plan is the importance attached to the monitoring and review process, under the oversight of the PCHR. This continuing review of the plan has involved a frank assessment of progress and obstacles and has contributed to the plan’s overall effectiveness.

The plan does not give separate attention to human rights education. However, the Philippines already has a wide-ranging programme in this area, which has won the PCHR a UNESCO prize for human rights education. In addition, the President of the Philippines declared 1998-2007 a Human Rights Education Decade. Within this framework, the PCHR has put in place an ambitious programme of education and inter-agency cooperation.

#### **4.5 Brazil (1997)**

The Brazilian “National Action Plan for Human Rights” is set out in a 17-page document. The plan was drafted on the initiative of the President. Its development reflected Brazil’s prominent role at the Vienna World Conference. It was prepared over a period of two years by the Ministry of Justice together with several organizations of civil society. The preparation included seminars and debates.

It begins with a *Preamble* and an *Introduction*, which assert the fundamental importance of human rights in the life of the nation and outline the process whereby the plan was developed. The plan takes a comprehensive approach to human rights, although it focuses on civil rights. It indicates an intention to be realistic in its objectives. While it does not attempt a systematic assessment of current human rights problems, it refers to them frequently in passing as justification for various proposed actions.

The bulk of the plan consists of *Proposals for Government Action*, which are structured around major issues and vulnerable groups and are divided into proposals that can be addressed in the short term and those relating to the medium term. There are over 130 separate proposals. Many of these address the needs of youth, women, the black population, indigenous people, foreigners, Brazilian communities abroad, older persons and persons with disabilities. Others address civil rights issues such as

personal security, impunity, arbitrary detention and forced labour. There are also sections on human rights education and international action.

A selection of some of the short-term proposals gives some idea of the approach:

- To improve the quality of treatment for people living with HIV/AIDS;
- To propose penal legislation against the exploitation of child labour;
- To stimulate the creation of shelters for women who are victims of violence;
- To ratify ILO Convention No. 169 (on indigenous and tribal peoples);
- To propose a draft law regarding the use of firearms by police officers during their time off and rigorous control of access to weapons and ammunition.

The plan does not refer to any monitoring or review mechanism.

#### **4.6 Ecuador (1998)**

Ecuador's "National Human Rights Programme" is set out in book form. The programme itself is 50 pages long and is published in five languages, including Quichua, the language of one of the indigenous peoples of Ecuador. The programme was developed on the initiative of the Ministry of Foreign Affairs during more than a year of intense negotiations and consultations with diverse sectors of Ecuadorian society and the administration, including the Government, civil society, the church and the military. A three-day conference involving all parties was the centrepiece of this process. The programme benefited from international support. Its content has been converted into legislation as an Executive Decree, which is included in the programme document.

The programme does not attempt an assessment of current human rights problems, nor is it restricted to any particular time frame.

The programme begins with an *Introduction* and a *Mission Statement* that assert the importance of human rights in the daily life of peoples and recognize the rights contained in international standard-setting instruments.

The content of the programme is structured around four "strategic axes" – *Legislative Development, Civil and Political Rights, Economic, Social and Cultural Rights* and *Collective Rights*. The Collective Rights are further subdivided into the following areas, focusing particularly on vulnerable groups:

- The Environment
- Communications
- Indigenous Nationalities
- Black People
- Children
- Teenagers
- Women
- The Elderly
- Sexual Minorities
- Detainees
- The Disabled

In the area of Legislative Development, the programme commits Ecuador to national and international action to improve observance of human rights. For example, it provides for adaptation of the Constitution and national legislation to reflect all human rights set out in international agreements and for the adoption of legal mechanisms and guarantees to ensure enforcement of these principles.

Under each of the other three strategic axes, the programme establishes *General Objectives* and *Strategic Guidelines*, the latter setting out broad proposals for action. For example, the section on “Civil and Political Rights” focuses on fairness and due process in the legal system. The programme sets out as one of four objectives:

*To eradicate torture and physical and moral mistreatment as investigation and punishment mechanisms from detention, investigation and penitentiary systems.*

One of the five strategic guidelines under this heading is:

*To reform the current detention, investigation and penitentiary systems through plans, programmes and changes in the legal system.*

In the area of “Economic, Social and Cultural Rights”, the programme commits the Ecuadorian State to equity and non-discrimination in social policy and to adequate health, education and social security systems. It also envisages the establishment of a committee to monitor the implementation of the International Covenant on Economic, Social and Cultural Rights.

Somewhat more than half of the programme is devoted to the section on “Collective Rights”, particularly relating to vulnerable groups. The Strategic Guidelines in these sections contain up to 12 specific proposals for each of the identified groups. The proposals aim at promoting the recognition of the rights of group members, in both law and practice, and at initiating administrative and community actions to enhance their dignity and improve their quality of life.

The programme contains additional sections on Institutions, International Policy, Citizen Involvement, Financing and the Operating Plan. They describe how the Ecuadorian State will facilitate the effective implementation of the programme. The key element in implementation is development of the Operating Plan by government agencies in consultation with civil society. It will provide specific diagnoses and details of proposed actions and will identify those responsible for implementation, a schedule of activities, resource requirements and so on. A notable feature is the recognition that financial resources will be required. The Operating Plan also provides for a Standing Follow-up and Assessment Committee to monitor progress, modify guidelines where necessary and ensure compliance with the programme.

#### **4.7 Indonesia (1998)**

The “Indonesian National Plan of Action on Human Rights 1998-2003” is set out in a 21-page booklet. An Inter-Departmental Standing Committee on Human Rights drew up the plan in cooperation with the Indonesian National Commission on Human

Rights. Much of the input for the plan came from the Second National Workshop on Human Rights held in late 1994, which was attended by some 300 participants, comprising government officials, military officers, academics, Members of Parliament, members of the National Commission and representatives of civil society. Work on the plan was effectively concluded by 1996 but it was not made public until after the political reforms that began in 1998. There have been indications that the plan may be adjusted in the light of changing circumstances in Indonesia. For example, the country's commitment to ratify the International Covenant on Civil and Political Rights, scheduled to take place in 2003, was later brought forward to 2000.

The plan was launched by the Indonesian President on 25 June 1998, the fifth anniversary of the adoption of the Vienna Declaration and Programme of Action. In his statement at the launch of the plan, the Indonesian President said that "the key to success lies in the cultivation and strengthening of a human rights culture". He added that "the real meaning of a plan of action lies in its implementation".

The plan, which covers the period 1998-2003, is a very focused and precise document. It begins with a preamble that situates the issue of human rights in the Indonesian context. The preamble asserts the universality and indivisibility of human rights as well as the balance between individual and collective rights and between rights and responsibilities. The plan contains a narrative section that describes the general approach in each of the four main areas of application and a Programme of Activities set out in tabular form. It includes information on which agency will be responsible for many of the activities described and indicates where international assistance would be welcomed.

The four main areas of the plan's application are:

*1. Preparation for ratification of international human rights instruments*

At the time the plan was launched, Indonesia had ratified two of the six major international human rights instruments. The plan states that "ratification of international human rights instruments will strengthen and expedite the development of national legal instruments on human rights". The tabular section sets out a five-year programme for ratification of the remaining four major international human rights instruments as well as a number of other instruments and ILO conventions. This section includes provision for the review of existing legislation and the drafting of new legislation as required and the formulation of guidance for law enforcement personnel. It also addresses the need for development of the capacity to meet reporting obligations effectively.

*2. Dissemination of information and education on human rights*

The plan stresses the need for a broad and consistent approach to human rights education. It provides for:

- Work under the umbrella of the United Nations Decade for Human Rights Education;
- Establishment of human rights courses in universities and other institutions of higher education, including training for law enforcement officials;



- The development of curricula for school education, including teacher training;
- Informal community and family education;
- Education through the mass media.

### *3. Implementation of priority issues on human rights*

This section stresses the importance of dissemination of international standards on torture and arbitrary detention among law enforcement officers, human rights training for law enforcement officers, information on humanitarian law, a special programme for judges and prosecutors, protection for vulnerable groups and crowd control training for the police.

### *4. Implementation of the international human rights instruments that have been ratified by Indonesia*

This section focuses on the two major international human rights treaties that had been ratified by Indonesia at the time the plan was launched, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. The plan provides for activity through national institutions, international cooperation, social mobilization, legal reform, law enforcement, training and monitoring.

Provision is made for the establishment of a National Committee on Human Rights as the implementing body for programme activities under the plan. It will be composed of both government officials and community representatives. The plan envisages regular evaluation and states that aspects of human rights not covered by the present plan will be addressed when it is upgraded following evaluation of its initial implementation.

## **4.8 Mexico (1998)**

The Mexican “National Programme to Promote and Strengthen Human Rights” is set out in a 23-page document. The Ministers of Foreign Affairs and the Interior launched the programme, which is coordinated by the Mexican National Commission on Human Rights. The programme invites civil society to support and join its activities. There is no specific time frame for its implementation.

The programme makes specific reference to the federal nature of the Mexican State. It was developed as an initiative of the executive branch of government and was coordinated by the Ministry of Foreign Affairs. It requests the other branches of government – the legislature, the judiciary and state Governments – to take complementary action in their own spheres of responsibility.

The programme begins with an introduction that outlines the place of human rights in Mexican history and notes the growing development of a participatory and democratic political culture. It refers to the establishment of the National Commission on Human Rights and the place of human rights in the National Development Plan 1995-2000.

The programme sets out a series of broad objectives including strengthening the human rights culture, consolidating institutional mechanisms, eradicating impunity, developing human rights monitoring mechanisms, strengthening public information activities, assisting in fulfilling international commitments and promoting cooperation with civil society. It then describes a series of more specific activities that government agencies will undertake to give effect to these objectives.

Under the general heading “Strengthening”, the programme provides for seminars and training courses for public servants and reinforcement of human rights education programmes. Under the heading “Promotion”, the programme provides for public information campaigns and the establishment of human rights promotion and dissemination mechanisms. Under the heading “Protection”, it provides for the bolstering of law enforcement mechanisms in cases where human rights have been violated, and assistance in fulfilling international obligations and strengthening evaluation activities to protect the rights of members of vulnerable groups.

The programme lists some broad activities to be pursued in the short term, including a national campaign against violence, torture and impunity, and production and dissemination of audiovisual material on protection of human rights.

It then lists specific activities to be undertaken by a range of key agencies. The following is a small selection of these activities:

- Eradication of illegal procedures and harassment of persons with criminal records; introduction of legislation to criminalize the production and sale of child pornography (Secretariat of the Interior);
- Review of reservations to international instruments (Secretariat of Foreign Affairs);
- Strengthening knowledge of children’s rights in teacher training (Secretariat of Public Education),
- Holding a seminar on the right to health care (Secretariat of Health).

The Mexican programme addresses the issue of monitoring and evaluation, envisaging the establishment of a Technical Follow-Up Committee.

#### **4.9 South Africa (1998)**

The South African “National Action Plan for the Promotion and Protection of Human Rights” is set out in a small 151-page pocketbook. The plan contains a foreword by then President Mandela, the Minister and Deputy Minister for Justice and the Chairperson of the South African Human Rights Commission. The plan has a time frame of three years and states that it was developed with international cooperation.

The plan is a very comprehensive document. It includes a brief outline of South Africa’s human rights history and current situation and indicates how a national action plan can help advance human rights in South Africa. A notable feature of the document is the detailed description of its development. The process was consciously participatory and collaborative, beginning with a National Human Rights Conference convened by the South African Human Rights Commission in May 1997. This was

followed by workshops and consultations and the establishment of a National Steering Committee for the Plan. President Mandela launched the National Plan process on Human Rights Day, 10 December 1997, in the presence of Mary Robinson, United Nations High Commissioner for Human Rights. Work continued through 1998, including Cabinet approval of the plan framework and a series of consultative workshops in all provinces of the country. An important feature of the workshops was that they afforded an opportunity to provide basic human rights training to local officials at the provincial level. In November 1998, the draft plan was discussed and adopted by Cabinet. It was subsequently presented to, and endorsed by, Parliament. The plan was launched on International Human Rights Day, 10 December 1998.

Another feature of the South African plan is the effort it makes to be user-friendly. It includes a section explaining how the plan document is structured and is made more action-oriented by indicating the various State institutions that have responsibilities relevant to human rights. In addition, the plan is published in a handy pocketbook format. The plan process involved a national public awareness plan that included media coverage, workshops and pamphlet distribution.

The plan is comprehensive in its content and approach. It considers particular rights and issues under the following three broad headings:

#### *Civil and Political Rights*

- Equality
- Life
- Freedom and security of the person
- Privacy
- Labour rights
- Political rights
- Access to justice
- Just administrative action
- Citizens
- Aliens
- Refugees
- Expression
- The rights of arrested, detained and accused people

#### *Economic, Social and Cultural Rights*

- Employment
- Housing and shelter
- Health
- Food
- Water
- Land
- Social security
- Education
- Freedom of culture, religion and language
- Rights of children and young people

### *Rights to Development, Self-determination, Peace and a Protected Environment*

- Development
- A protected environment

Another notable feature is the specific description of the rights applicable to each area addressed. Under each of the above sub-headings, the plan discusses:

- Constitutional obligations;
- International obligations;
- What has been done, in terms of policy, legislation and administrative steps taken;
- Further challenges;
- Addressing the challenges;
- Evaluation and monitoring;
- Resources and budget.

The plan envisages the establishment of a National Consultative Forum on Human Rights, which will have responsibility for implementing and monitoring the plan. The Minister or Deputy Minister of Justice will convene the Forum. Government agencies that are responsible for monitoring and implementing the plan will have to report periodically on progress to the Forum. The plan provides for a full review of progress halfway through its three-year life span, following which it will be revised and re-adopted.

#### **4.10 Venezuela (1999)**

Venezuela's National Plan of Action on Human Rights was elaborated in 1997, which was declared by former President Rafael Caldera the "Year for Human Rights". The plan was the result of a long process of consultations between the Government, NGOs and representatives of civil society. Several initiatives and recommendations were put forward by NGOs. The President requested the National Commission on Human Rights to compile all initiatives, provide a forum for discussion and maintain regular communication with the NGO community and civil society. In this connection, multiple seminars and workshops throughout Venezuela were organized. Three working groups were established to discuss civil and political rights, economic, social and cultural rights, and environment and human development. Discussions in the three groups took into consideration a gender perspective, the age of the targeted population and vulnerable groups. A first draft was finalized and submitted for consultation to approximately 500 governmental and non-governmental bodies. Further comments and recommendations were duly incorporated.

The National Plan of Action was approved in the second half of 1997 and adopted by the Government of President Chavez through a resolution issued by the Ministry of the Presidency in January 1999.

The National Plan takes due account of many of the concepts laid out in the Vienna Declaration and Programme of Action. It foresees strategic objectives and follow-up action in the following areas:

- Civil and political rights;
- Freedom of expression;
- Education;
- Health;
- Labour rights;
- Social security;
- Property rights;
- Recreation;
- Environment and human development.

The plan also provides for stronger cooperation with international human rights organizations and mechanisms such as the Commission on Human Rights, the Inter-American Commission on Human Rights and the Inter-American Institute of Human Rights.

With a view to implementing the plan, several prior measures were envisaged by the National Commission. They aim at strengthening the legal, administrative and financial capacity of government entities, in particular the National Commission on Human Rights, in order to mainstream human rights and implement the plan. Of particular importance is the establishment of a committee comprising representatives of the Government and civil society to monitor implementation of the plan.

#### **4.11 Bolivia (1999)**

The Bolivian “National Plan of Action for the Promotion and Protection of Human Rights in the Medium and Long Term” is set out in a 19-page document. The plan begins by noting that Bolivia is going through an extraordinary period in its history, one in which it is strengthening its institutions, particularly those relating to the defence, protection and promotion of human rights. It points out that recognition of multi-ethnic and multicultural values has become a key element in domestic politics.

While the plan does not attempt a systematic analysis of the present situation, it highlights problems such as domestic violence, discrimination against women, the critical situation of the rights of indigenous peoples and drug trafficking. It is comprehensive in its approach to human rights, substantive and forward-looking, envisaging, for example, the establishment of new governmental agencies. The document does not describe the process of developing the plan, nor does it comment on the role of civil society. The plan does not establish any time frame for implementation.

The objectives of the plan are grouped under five thematic headings:

- Respect, defence and promotion of human rights;
- Civic education;
- Strengthening of institutions;
- Legislative reform; and
- Strengthening of civil society.

The plan provides for implementation of activities under three broad headings:

1. *Strengthening of institutions*

The plan indicates an intention to strengthen the Ministry of Justice by such means as the establishment of two new departments within the Office of the Under-Secretary for Human Rights, a Human Rights Documentation Centre and a Human Rights Education and Training Centre, strengthening of the Department of Constitutional Affairs and Human Rights and the National Public Defender Department, and improvement of inter-agency coordination.

2. *Legislative reform*

The plan notes recent milestones in legislative reform, including constitutional provisions for the multi-ethnic and multicultural nature of the country. It envisages legislation in the medium term to harmonize Bolivian institutions with international human rights norms. It also provides for streamlined legal procedures and the adoption of codes of conduct applicable to personnel working in the judicial system. This section stresses the need for a realistic approach, combining effective reforms with maintenance of the broadest possible consensus.

3. *Education, training, information and documentation*

The plan accords considerable importance to education and training. It is expected that the Human Rights, Documentation, Publications and Information Centre will play an influential role. The Human Rights Education and Training Centre of the Office of the Under-Secretary for Justice will pursue a strategy aimed at both the general public and specific professional and social sectors. The aim is to achieve the “routinization” of respect for human rights. Such programmes will focus on personnel involved in the administration of justice. Training will also extend to civil society personnel and organizations, with particular emphasis on women, children and indigenous peoples. Steps will also be taken to promote human rights education at all levels of formal education.

The plan does not address the question of monitoring or review.

#### **4.12 Common elements of finalized plans**

The existing plans differ significantly. They vary in length from 4 to 150 pages, their time frame ranges from 2 to 5 years to an indefinite period and they vary in the specificity of their provisions. However, there are some prominent common features:

1. *The importance of international standards as the basis for the plan*

Plans consistently refer to the Universal Declaration of Human Rights and other instruments as the standards they seek to implement. Plans also provide for the progressive ratification of more international instruments.

2. *Civil society*

All plans emphasize the importance of broad public participation in the processes associated with the plan.

3. *Comprehensive scope*

Most plans provide for a comprehensive approach embracing civil, political, economic, social and cultural rights. Some provide for so-called “third generation” rights such as the right to a healthy environment. Most plans accord priority to the needs of vulnerable groups as well as thematic issues of major concern.

4. *Objectives*

All plans set targets of some kind. In some cases they are quite specific and in others presented in more general terms. Most plans outline particular challenges as specific tasks for the plan to address.

5. *Process of preparation*

Some plans refer to the process whereby they were developed. In some cases this involved the establishment of a national coordinating committee.

6. *High-level political involvement*

Most plans refer to high-level political involvement, either in the development of the plan or in its endorsement.

7. *National human rights institutions*

Some plans provide specifically for national human rights institutions to take a leading role in monitoring their implementation. In cases where no national human rights institutions exist, the national plan may specifically call for their establishment.

8. *The local context*

Most plans seek to provide a local context for the general approach adopted.

9. *Baseline study*

Some plans refer in impressionistic terms to the current human rights situation in the country concerned, but none of them attempt a systematic review or reflect this explicitly in the final product.

10. *Monitoring and evaluation*

Many plans refer to the need for monitoring of implementation and evaluation of achievements towards the end of the time frame. Some describe specific mechanisms to be established for the purpose. Others assign these functions to an existing human rights body such as a human rights commission.

## PART II: DEVELOPING A NATIONAL ACTION PLAN

### 5. The preparatory phase of the plan

#### 5.1 Five main stages

Putting a national human rights action plan in place is a substantial undertaking. The broad steps towards accomplishing this task involve:

- A *preparatory phase*, during which key agencies and organizations address the institutional structures for planning and engage in initial consultations (covered in this chapter);
- A *development phase*, during which key agencies and organizations elaborate the concept of a national action plan applicable to the country concerned, intensify the consultation process and draft the plan (chapters 8 and 9);
- An *implementation phase*, during which relevant agencies implement the plan (chapter 10);
- A *monitoring phase*, which overlaps with the implementation phase and involves a process of adjustment of plan objectives and activities in the light of circumstances (chapter 11);
- An *evaluation phase*, in which achievement of the stated goals is systematically assessed with a view to laying the foundation for a successor plan (chapter 12).

There is a need for effective consultation at all stages of the process. This is addressed in particular in chapters 6 and 7.

Situations differ from one country to another, depending on constitutional and legal systems, political cultures, human rights situations and other factors. So there is no single detailed model for developing a national plan. This chapter seeks to identify general elements that have been found useful by countries with national plans or that are desirable in terms of broad human rights principles. Users of the Handbook can draw on these elements when developing new national plans or revising existing ones.

#### 5.2 Who should initiate?

##### *The central role of government*

A national action plan must be approached as an important national endeavour. The fundamental stimulus for developing the plan will be a felt national imperative to promote and protect human rights. In a number of cases, national action plans will be part of a wider process of reform or democratization. More generally, there will be a recognition that effective implementation of the plan contributes to the achievement of broad national objectives such as promotion of social cohesion, improvements in individual well-being and better governance.

As the plan will embody commitments by the national government, the government will necessarily have a central role to play in its development. The plan should be



developed in a manner similar to that of other major government activities. The stimulus may originate at the highest level of government. Alternatively, it may originate at the working level, as part of the policy-making process. Government action is of course influenced by action on the part of civil society, particularly non-governmental organizations working in the field of human rights. In some cases, it may be the action of NGOs that persuades governments to develop a national plan.

While the major stimulus will be of domestic origin, international activity can provide shape and direction to the process. The Vienna Declaration and Programme of Action is an important reference point, which leads naturally to the use of internationally agreed human rights norms as the framework of a plan. Impetus can also be provided by international meetings on the subject, such as the regional workshops on national action plans that have been organized by OHCHR in Latin America, Africa and the Asia-Pacific region.

### *The focal agency*

Whatever the precise location of the original stimulus to action, it is important that a specific organ of government be identified early in the process as the focal agency for action. That organ may be a Ministry of Justice, a Ministry of Foreign Affairs, the Office of the President or some other appropriate department. In some cases, it may be a national human rights institution, although it should be understood that responsibility for implementation must always rest with the government.

The focal agency may be more or less self-selecting. Its nomination may flow from a process of consultation involving government agencies and possibly civil society organizations and other relevant institutions. The end-point of the process should involve the government officially appointing the selected agency to perform the task. Whatever organ of government is appointed as focal agency, it should be given sufficient authority and resources to carry out its responsibilities effectively. It is also useful to have a counterpart NGO coordination committee or possibly a “focal” NGO to facilitate communication with civil society (see section 6.3).

### **5.3 Who should be involved?**

Without broad participation at the stages of both development and implementation, there is a risk that the plan will end up as no more than a rhetorical gesture and that at the implementation stage it will run into the sand. Broad participation will ensure that the plan’s goals are widely shared and that the process is transparent. By mobilizing large numbers of people, broad participation will also help maintain momentum towards effective implementation.

Depending on the size and scope of the projected plan and taking into account available resources, the planning process may include the participation or involvement of the following:

- The head of government and responsible ministers;
- Parliamentarians, particularly where there are parliamentary human rights committees;

- The focal agency, which might be a Ministry of Foreign Affairs, a Ministry of Justice or an inter-institutional coordinating body;
- Other relevant government agencies, which might include ministries responsible for police and the justice system, the interior, labour, education, health, women, social welfare, defence and the armed forces, finance, planning and development;
- Security institutions such as the armed forces and police;
- Relevant semi-governmental agencies, such as statutory authorities;
- National human rights institutions, such as an independent human rights commission;
- Human rights NGOs, including specialized organizations such as NGOs focusing on the rights of women and children;
- Representative members of vulnerable groups;
- Community organizations, particularly NGOs that may not normally be regarded as human rights organizations because they deal with social issues such as health, housing, education, development assistance, minorities, religious issues, asylum-seekers, indigenous peoples and so on;
- Members of the judiciary and jurists;
- Trade unions and professional groups, including associations of teachers, lawyers, journalists and so on;
- Human rights experts;
- Academics and educators;
- Representatives of research institutes;
- The media;
- Corporate representatives, including business and industry associations;
- Private foundations.

In addition, it may be useful in some situations to have representatives of international organizations as participants in the process, particularly where the development and implementation of the plan draws significantly on international technical cooperation.

#### **5.4 *The role of government and parliament***

An effective plan will require productive cooperation between government and civil society. The role of government is, however, crucial. The effective implementation of the plan will require the mobilization of political will, effective coordination across a wide range of government agencies, sustained effort over a substantial period of time, the allocation of sufficient resources and a dispassionate monitoring process. Each of these elements can be difficult to put into practice. Ensuring the implementation of all of them will be a challenge for those centrally involved in the relevant government agencies.

The role of political parties and the parliament should also be emphasized. As part of the democratic process, governments change from time to time. The national action plan must nevertheless continue operating without interruption. It is therefore important to ensure that the plan enjoys the support of all major political parties so that its implementation is not adversely affected if governments change. To facilitate this, opposition parties may be included in the consultation process. A special effort should be made to involve parliamentarians from all parties who have an interest in

human rights issues. Parliamentary committees dealing with such issues are a useful mechanism for achieving this.

### **5.5 How the preparatory phase should be managed**

It will probably not be practicable to involve all the participants listed in section 5.3, especially on an ongoing basis. There will thus be a need for a representative body and a management structure, together with sufficient resources to enable these bodies to function effectively.

The following steps are generally relevant to the preparatory phase of the plan. The manner in which these elements are put into practice, the steps relevant to each situation and the order in which action is taken will, of course, vary from one country to another:

- Initial consultations within government and between government and civil society, possibly as a result of a recommendation by a human rights commission or an NGO forum;
- A preliminary decision by the government to proceed with the plan;
- Identification and appointment of the government body that is to act as the focal agency for action;
- Communication to relevant agencies of government as well as semi-government organizations of the intention to develop the plan;
- Communication to major interested groups, such as the judiciary, NGOs, and academic and educational institutions;
- Development by the focal agency of draft principles relating to the initial stages of developing the plan. This should be done in close consultation with civil society and other agencies. The principles will be tentative and flexible and address in particular who should be involved in the process and the initial meetings necessary to set the process in motion;
- If not already part of the process, specific endorsement and direction from the head of government and/or relevant ministers;
- A public announcement, as part of an initial media strategy, of the intention to develop a national action plan;
- Organization of an initial national consultative meeting or a series of meetings to obtain input from the various interested groups. The meeting or meetings will discuss the concept of the national action plan and fill in the details of the development process. An important issue at this stage is the structure and membership of the national coordinating committee (see below). Other issues for discussion at the initial national consultative meeting might include the scope of the plan, time frames, resources, media and education, and international cooperation.

#### **Figure 4 – The preparatory phase**

- Consultations within government
- Consultations with NGOs and other interested groups
- Government takes decision to proceed with the plan
- Government appoints focal agency
- Focal agency informs other government agencies and civil society groups of the intention to prepare a plan
- Focal agency draws up draft principles, in consultation with civil society, for the initial stages of development of the plan
- Government formally endorses the process
- Public announcement of the intention to develop a national action plan
- Organization of an initial national consultative meeting or meetings with stakeholders
- Establishment of the national coordinating committee

### **5.6 National coordinating committee**

The key development in the preparatory phase of work on the plan will be the establishment of the national coordinating committee. This body might alternatively be called a task force, a steering committee or something else, but for the purposes of this Handbook we shall refer to it as a “national coordinating committee”, “coordinating committee” or “national committee”. As part of its work in the preparatory phase, the focal agency could prepare a recommendation on the size, composition and methods of work of the coordinating committee, and on its necessary supporting structures and resources. This recommendation could be considered by civil society representatives and other participants at the initial national consultative meeting mentioned above. The government will normally take the final decisions on matters relating to the committee, though it is essential that these decisions enjoy the support of other stakeholders.

#### *Size*

The committee should be on a scale that permits satisfactory representation of government agencies, stakeholders and interest groups, while at the same time being manageable in terms of decision-making effectiveness and cost. A membership of around 10 to 20 may be the optimum size to achieve these goals.

#### *Composition*

In order to achieve the twin objectives of effective implementation and broad popular support, membership should include representatives of both important government agencies and civil society organizations. Gender balance and equitable representation of ethnic, religious, regional or other minorities should be an important consideration. Government agencies should include those that have particular responsibility for implementation of the plan, such as security authorities and departments responsible for social policy. Civil society organizations should include representatives of trade unions and those with responsibility for economic and social issues as well as

representative members of vulnerable groups. Some representation from the business sector is desirable. In some cases, the public profile of the committee may be enhanced if it includes film, television, music or sports personalities. In some situations, such as where a plan is being developed with substantial international technical cooperation, it may be appropriate to include an international observer.

### *Chairperson*

The chairperson of the committee should be an effective spokesperson for the national action plan and for human rights promotion generally. The chair will have an important role to play during all phases of the plan's preparation. Whether the chairperson is elected by other members or appointed, it may be desirable for the incumbent to be a political figure, possibly a minister, to ensure a profile within government for the development, launch and implementation of the national action plan. It would also be desirable to have a vice-chairperson drawn from the NGO community.

### *Sectoral working groups; other committees*

In order to ensure representation from relevant organizations and to mobilize effectively the available expertise, it will probably be necessary to establish subcommittees or "sectoral working groups" to deal with specific themes within the plan. There will be many government agencies and non-governmental organizations involved in implementing the plan and it will probably not be practical to have more than those with broad responsibilities on the coordinating committee itself. Issue-specific subcommittees would ensure that they were substantially involved in the process and that their input could be channelled directly to the coordinating committee. It would therefore be desirable to establish such sectoral working groups, which would be responsible for needs assessment, drafting of the plan and monitoring with regard to specific sectoral issues covered in the national action planning process. Such issues could include health, education, housing, juvenile justice, prisoner administration, refugees and many other issues.

The sectoral working groups would be under the supervision of and would report to the coordinating committee. The range of committees established to steer the development of the plan should be kept under review so that the institutional structure is appropriate to the needs of the task. There may be a need to establish new structures or to discontinue existing ones in response to changing circumstances. These bodies should be monitored carefully by the coordinating committee to ensure economy of resources and time.

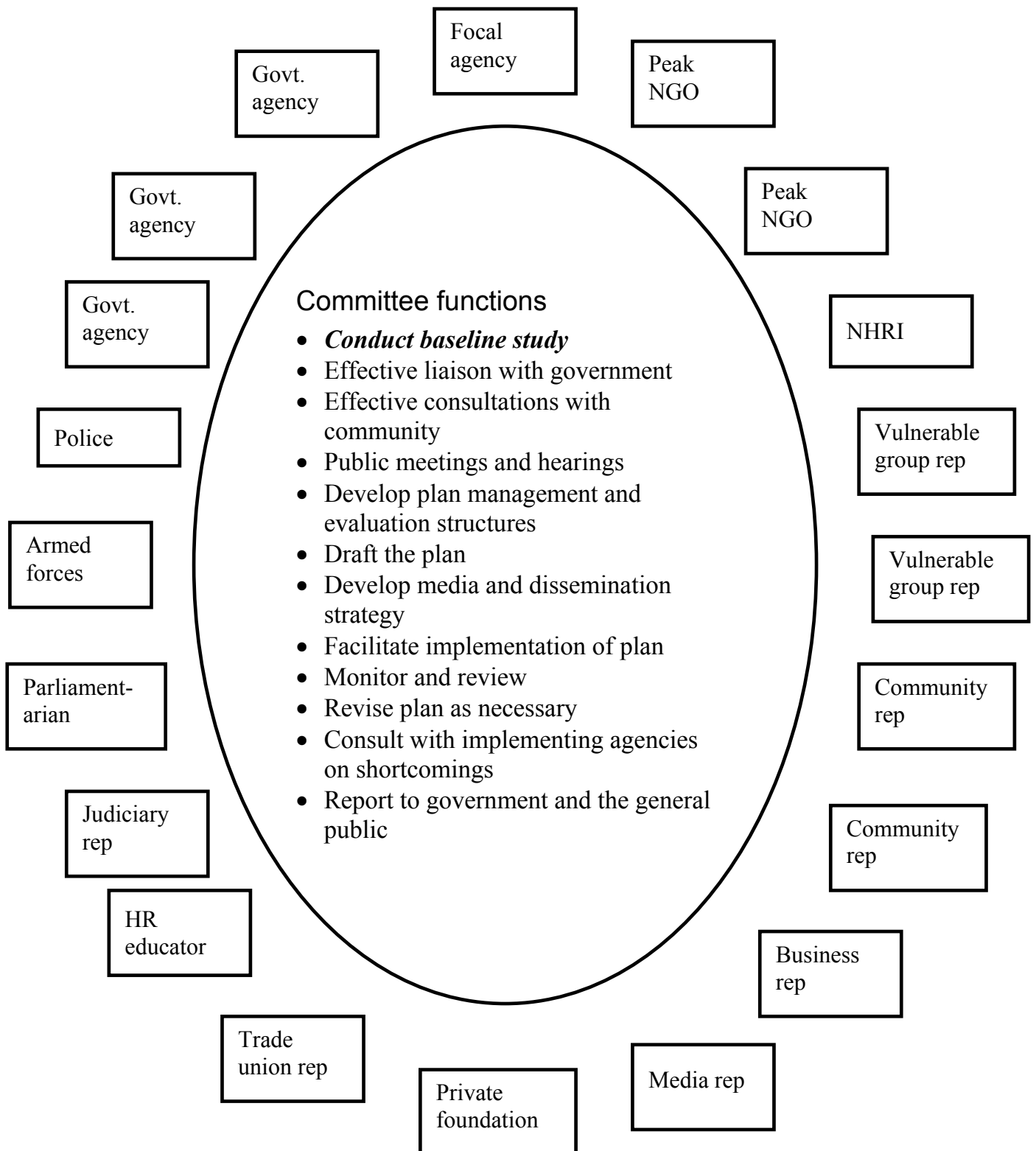
In the initial stages of developing the plan, the coordinating committee should take a strong directive role so that the process can quickly develop momentum. The coordinating committee should ensure a rich flow of input from civil society and government agencies as well as the dissemination of accurate information to those directly involved and the general public.

It is probably also desirable for both the government and the NGO community to have separate additional committees to handle matters specific to their own spheres of activity. Such matters might include, on the government side, the development of

recommendations to ministers and resource questions. On the NGO side, it might include the development of coordinated NGO positions or the dissemination of information to the grassroots. Depending on national conditions and the needs of the plan, there may be value in setting up regional or local committees.

The need for committees and other structural mechanisms may not be fully apparent at the beginning of the process. The process should start with consultations and the establishment of a national committee, but it should be flexible enough to incorporate new elements and to allow changes in structure.

**Figure 5 – National coordinating committee – possible composition and mandate**



### *Functions*

The main functions of the committee are:

- To conceptualize the national action plan as a synthesis of international standards, domestic law and local circumstances;
- To conduct a baseline study to establish the national human rights context;
- To collate relevant existing human rights information such as government agency studies and reports, and reports by national human rights institutions, international organizations and NGOs;
- To take into account existing action plans, including development plans and plans in the areas of women's rights, children's rights and educational planning;
- To formulate the draft national action plan by identifying objectives, strategies, components, priorities, vulnerable groups, programmes and activities, monitoring, evaluation and revision within clear time frames;
- To organize consultative forums/public meetings to assess responses and then to revise and finalize the national action plan, taking into account the input received;
- To submit the plan for approval at the highest levels of government;
- To disseminate the adopted national action plan to all actors concerned for implementation and integration into their respective policies and plans of action;
- To develop and implement a media strategy, including the public dissemination of relevant materials, in order to bring all stakeholders into the process and to facilitate awareness of the plan among the general public;
- To monitor and facilitate evaluation of the national action plan;
- To report as appropriate, including perhaps to the public, the government or the parliament.

In some countries, it may be found useful to institutionalize the coordinating committee as a body with functions that extend beyond the national action plan. The committee may assume continuing responsibility for integrating and mainstreaming human rights issues within government agencies. Its activity may include promoting and coordinating human rights training, capacity-building and events, and mobilizing resources for human rights-related activities.

### *Time frames*

Clear time frames should be established for the functioning of the coordinating committee and the completion of its various tasks. The committee itself should meet on a regular basis.

While it is important that the plan be properly prepared, the work of the coordinating committee should not be excessively prolonged. It will undermine efforts to set an effective plan in place if a perception develops that the process is drifting. It is desirable therefore that the coordinating committee should work steadily and aim to launch the plan 12 to 18 months after the process has begun.



### *Secretariat and resources*

There should be a secretariat to support the coordinating committee and to manage activities relating to the national plan between committee meetings. Core staff of the secretariat may be provided by the focal agency on a secondment basis. It is important to ensure that some at least of the secretariat's staff is provided by other organizations. This will enhance the secretariat's human rights expertise and promote new ideas and approaches. Organizations that might consider supplying staff include national human rights institution, human rights NGOs, legal bodies or law firms and business corporations. Senior secretariat staff should be selected by the coordinating committee according to criteria it has developed itself.

It is unlikely that a large secretariat will be needed. Where local resources are scarce and support is sought from international donors, a large secretariat may be perceived as inappropriate and even wasteful. The intensity of secretariat activity will vary over the life of the plan. During the developmental phase there will be a high level of activity, while during the implementation phase the focus of activity will shift away from the coordinating committee and the secretariat and the level of activity will be much lower.

The government should allocate adequate financial resources to permit the holding of committee meetings and public meetings, to meet the expenses of the secretariat and to cover the costs of the media programme.

## **6. The role of national institutions and civil society**

### **6.1 National human rights institutions**

National human rights institutions (NHRIs) such as human rights commissions and ombudsmen (also known in some countries as public defenders or public protectors) have been established by government in many countries. They are a repository of knowledge and expertise on human rights issues and usually perform functions such as monitoring human rights violations and problems, advising governments on legislative and other matters, and carrying out programmes of human rights education. While their structure and functions vary from one country to another, they play an extremely important role in promoting and protecting human rights. They can also make a significant contribution to the preparation and implementation of a national action plan and should participate in both the national coordinating committee and wider consultative activities. In countries that do not have NHRIs, their establishment is normally a key objective of the plan (see section 8.5.6).

Where national plans have been developed to date in countries that have NHRIs, the latter have usually been closely involved in the planning process. South Africa, where the impetus for drafting a plan came from the human rights commission, is a good example. In some cases, such as the Philippines, NHRIs may be called upon to take a leading role in coordinating the implementation of the plan. Where this happens, it should still be clearly recognized that the commitments in the plan impose obligations on governments to take appropriate action and that responsibility for ensuring achievement of the plan's objectives cannot be transferred to non-governmental bodies.

Given their status of independence from government, it is normally difficult for NHRIs to take responsibility for supervising the implementation of the plan. The role of NHRIs should be essentially to monitor implementation, to provide expertise and to make recommendations to government regarding appropriate action. This general point notwithstanding, there may be areas in which an NHRI itself will be the implementing body for one or more areas of the plan, such as human rights education for the general public. In addition, some national plan objectives may aim at the better functioning of NHRIs.

Where the activity of NHRIs under the plan goes beyond their normal functions, government should ensure that adequate resources are made available.

### **6.2 Who constitutes civil society?**

“Civil society” may generally be regarded as all organizations and individuals who are not directly associated with government. Reflecting the strengthening of democratic institutions around the world over the past two decades, civil society has assumed an increasingly important role in contemporary public policy-making. Improvements in information technology and transport have facilitated this development. The public is now much better informed, better able to organize and better able to express its views.

## Figure 6 – Civil society participation

- Human rights NGOs, including
  - Trade unions
  - Relevant professional associations
  - Jurists
  - Women
  - Children and youth
  - Representative members of vulnerable groups
- NGOs dealing with economic, social and cultural rights and community-based organizations
- National human rights institutions
- Educators, representatives of academic and research institutions, and human rights experts
- Representatives of the private business sector
- Representatives of philanthropic and other private funding organizations
- The media
- The general public

In practical terms, the scope of civil society is very broad. In human rights work, human rights NGOs appropriately play a leading role and can be expected to be centrally involved in the planning and implementation of national action plans. But since a national action plan seeks to promote progress in such a wide range of activities, those guiding the process should make every effort to extend the consultation process well beyond actors who are traditionally seen as comprising the “human rights community”. This applies in particular to countries that are large and/or geographically or ethnically complex. The organizations brought within the consultation network will thus vary in size, resources, focus and geographical spread. In many contexts it will be more appropriate to talk about “non-State actors” than “non-governmental organizations” in order to cover the range of interests that should be involved in the national action plan. With some differences from country to country, the following civil society sectors should participate in the development and implementation of a national action plan.

### **6.3 Human rights NGOs**

Many countries have one or more human rights NGO “umbrella” bodies that are responsible for representing constituent NGOs and for coordinating action and disseminating information. Government should view these NGO bodies as key partners in planning and implementing the national action plan. By working with such coordinating bodies, governments will find that the process of consultation with civil society can be handled more effectively. From the broader NGO point of view, it is probably preferable for them to concentrate their activities under the plan through representative action rather than allowing their efforts to be dissipated through diverse and ad hoc mechanisms. In addition, a formal role for NGO coordinating bodies will help dissipate any perception that the government is not taking the consultations seriously or that it is manipulating the process.

As effective consultation is an integral part of the cost of an effective plan, governments should ensure that adequate resources are allocated to this function of NGO coordinating bodies. The costs involved in the NGO coordination process will include travel, communications, preparation and dissemination of materials and hire of venues.

It is desirable to supplement the coordinating and representative role of leading NGOs by involvement in the consultation process of many other organizations engaged in the promotion and protection of human rights. These could include trade unions, professional associations, jurists and organizations representing women, children, minorities, indigenous people, persons with disabilities, rural dwellers and so on. The coordinating committee should give particular attention to ensuring effective consultation with representative members of vulnerable groups, which may be defined somewhat differently from country to country.

#### **6.4 *NGOs and community-based organizations dealing with economic, social and cultural rights***

The coordinating committee should make a particular effort to ensure the effective involvement in the consultation process of NGOs and community-based organizations (CBOs) dealing with economic and social issues as well as their counterpart government agencies. The importance of economic, social and cultural rights and the indivisibility of human rights are important themes that should be fully addressed under any plan. A valuable outcome should be increased awareness among those working in relevant fields, as well as among the general public, of economic, social and cultural rights such as the rights to health, housing and education and the right to development. This will promote a rights-based approach to these issues, centering on the entitlements of individuals and groups, as opposed to the more common service-delivery approach that lays primary emphasis on political, bureaucratic and budgetary considerations. Work on these issues within the framework of the national plan will assist in the development of benchmarks that can be used in other contexts, for example reporting under relevant human rights treaties.

#### **6.5 *Educators, representatives of academic institutions, research institutions and human rights experts***

Promoting and protecting human rights are long-term activities in which a country's education system plays an important part. The involvement of educators and representatives of educational institutions in the national action plan process will:

- Encourage more effective relations with the education system;
- Promote better provisions on human rights education in the plan; and
- Facilitate better implementation of the plan's provisions within the education system.

Consultation with those associated with research institutions will also assist in ensuring that the plan's impact is disseminated on a wider and longer-term basis.

In many countries there will be individuals who have developed particular expertise in human rights issues, whether as representatives of NGOs, in the legal profession or as academic experts. Even though they may not play a formal role in any of the organizations involved in the consultation process, they are an important repository of information and wisdom on human rights matters. The coordinating committee should make provision for such persons to be brought into the consultation process where possible, for example to assist in preparing the baseline study.

## **6.6 *Representatives of the private business sector***

With globalization and a trend towards smaller government, there is increasing recognition that social outcomes depend in part on non-governmental actors in society, including business. In some countries, multinational mining and industrial enterprises may constitute an important actual or potential channel for delivery of social benefits such as infrastructure, education and health facilities. There is a slowly increasing awareness among business corporations that their mission is not only to deliver benefits to shareholders but also to demonstrate commitment to environmental responsibility and the promotion of social values, particularly for stakeholders. Of course, care must be taken not to be associated with corporations or business leaders who are identified with questionable or abusive human rights practices.

## **6.7 *Representatives of philanthropic and other private funding organizations***

For reasons parallel to the growth in the importance of the corporate sector, private funding organizations are playing an increasingly important part in the delivery of social benefits, which can usually be expressed in human rights terms. Some of them may be associated with corporations. In addition, such organizations are often led by individuals who have a prominent standing in the community and are thus well placed to make a useful contribution to the national action plan process. While such organizations would not normally take a leading role in the national action plan process, it may be useful to involve them in consultations, particularly through the provision of information.

## **6.8 *The media***

The success of a national action plan will very much depend on public awareness and support. The media should therefore be encouraged to involve themselves in the planning process in two broad roles. One is to provide accurate information about human rights and the national action plan to the general public. The other is to provide input for the planning process as a sector with a direct interest in human rights, particularly freedom of information.

## **6.9 *The general public***

Over and above the opportunities provided for consultation with NGOs and other representatives of civil society on the plan, it is desirable that there should be specific mechanisms for consultation with the general public. These may include an interactive web site, public meetings, invitations to members of the public to make individual submissions, and use of the media, for example through talkback radio. Such mechanisms are discussed in detail in chapters 7 and 10.

## **7. Consultative mechanisms**

### **7.1 *The importance of the process***

It is often said that the process of developing the plan is as important as the document itself. This is because the process will determine:

- The extent of political support for the plan;
- The extent to which relevant government agencies and NGOs are effectively involved;
- Whether there is sufficient interaction between the various actors to ensure that the plan derives full benefit from their varying insights and perspectives;
- How widely the plan is recognized and supported by the general public;
- How effectively the plan is monitored.

To ensure that the plan achieves its optimum potential, the process itself, as well as the plan's content and mechanisms, should be structured in such a way as to produce results. The principal actors, State and non-State alike, should engage in consultations about the process from the outset. The end result will be much more effective if it is produced as a result of partnership between government and civil society rather than as a government-driven exercise. It is true that, at the end of the day, obligations to fulfil the plan fall primarily on government, and from that point of view it is impractical to have a plan that provides for measures that the government cannot or does not wish to carry out. However, a genuine process of dialogue should produce an understanding between government and civil society that lays the basis for a realistic plan enjoying broad community support.

Mechanisms such as periodic meetings of government and civil society representatives will be a primary vehicle for consultations, but the principal actors in the process should constantly seek new and effective means to broaden consultations on the plan. The guiding principle should always be that the national action plan is a national undertaking and that the broader the consultations, the more effective and long-lasting will be the plan's outcomes.

Such broader consultations should include regular informal personal and telecommunication contacts among the main players to promote better cooperation and a harmonious atmosphere for collaboration. They can also include an interactive web site, public meetings, public hearings, provision for written submissions and use of talkback radio. There are also benefits to be gained from principal actors travelling to provincial areas to try to ensure that the process is brought closer to its beneficiaries.

## Figure 7 – Consultative mechanisms

- National coordinating committee
- Sectoral working groups
- Meetings between government and civil society representatives
- Consultations between and within civil society organizations
- Informal personal and telecommunication contacts
- Public meetings, including in provincial areas
- Interactive web site
- Public hearings
- Provision for written submissions
- Use of talkback radio

### 7.2 Committees

The first major step in the process is the establishment of the national coordinating committee (see section 5.6). The general composition of the committee has already been discussed but the number of civil society participants will depend on its size. To ensure adequate representation of the diverse interests of society in a successful plan, it would probably be desirable to have eight to ten such members in a committee of twenty. Efforts should be made to ensure that the committee's rules of procedures and methods of work are conducive to a harmonious environment and productive outcomes.

NGOs and other non-State actors with expertise in particular areas of social action will participate in sectoral working groups addressing specific themes of the plan, whether or not the organizations concerned are represented directly on the coordinating committee.

The sectoral working groups will themselves play a key role in the consultation process. They will be an indispensable vehicle for extending the "reach" of the coordinating committee into specialist organizations and into all regions of the country and sectors of society. They will make it possible for the coordinating committee to draw on a wider range of expertise and will significantly enhance the quality of the plan.

There should also be broader processes of consultation beyond those within the framework of the coordinating committee and sectoral working groups. These processes will include:

- Consultation among civil society organizations;
- Consultation between government and civil society organizations;
- Consultation within civil society organizations;
- Face-to-face consultation with members of the public.

For example, an NGO that is represented on the coordinating committee might arrange meetings with partner NGOs and community-based organizations to discuss the plan. NGOs might take specific steps to canvass the views of their grassroots



members. There might also be consultations between government or the coordinating committee and a wider group of civil society organizations. It is important that there should be facilities for public hearings open to a wide spectrum of interested organizations and individuals so that there are varied opportunities for members of the public to put their views forward.

### **7.3 Public meetings and public hearings**

Consultations with stakeholders should aim to reach out to people at all levels of society and in the various regions of the country. Efforts should be made to avoid a situation in which the plan becomes an exercise focused narrowly on government and civil society elites.

Public meetings can make a significant contribution to the process of consultation and to the development of a plan that enjoys broad support. They will be more effective where they are set up in partnership with civil society organizations, properly organized and funded adequately. There will be many situations in which it will be desirable to take the public meetings to the people. For example, many persons belonging to vulnerable groups may live in areas distant from the capital. Other members of vulnerable groups may feel greater confidence in the process if public meetings are held within the framework of their own organizations. In addition, the general public will accord greater credibility to the process if it is seen to make an effort to reach out directly to ordinary people. An issue relating to public meetings is that they require adequate funding to cover travel costs of participants, advertising and venue hire.

A somewhat different version of the public meeting is the public hearing, in which members of the public, civil society organizations and government officials can be invited or required to provide information on relevant issues. Public hearings may be part of the legal mandate of parliaments, parliamentary committees, national human rights institutions or other statutory authorities. Such hearings can inquire into issues in a systematic way, calling for submissions or the appearance of witnesses, analysing information provided and making recommendations.

Public hearings on human rights themes can be very effective when they are brought locally to the people. For example, public "speak out" hearings on poverty were organized in 1998 across South Africa by the Human Rights Commission, the Commission for Gender Equality and the South African NGO Coalition (SANGOCO). The hearings gave the poor a unique opportunity to tell their compelling stories and to be heard directly by decision-makers and the general public.

An important benefit of public meetings and hearings is that they can be the focus for positive media coverage of the national action plan process. Such coverage will constitute a potentially significant and cost-free element of the plan's public information strategy. The public awareness benefits will probably be particularly evident in rural and provincial areas.

Members of vulnerable groups or persons who have been victims of human rights violations may not always feel comfortable expressing their views in public contexts. If this is the case, those involved in consultations with the public should provide

facilities for more private exchanges and may even wish to ensure confidentiality in some situations. It may also be necessary to invite advocates or legal representatives of the affected people, as appropriate.

#### **7.4 *Participation through comment or other contributions***

No matter how effective a face-to-face consultation process may be, direct communication will be possible only with a minority of potentially interested members of the public. It is therefore important to make provision for dissemination of information about the plan to a wide spectrum of the interested public and to ensure that there is a capacity to receive and incorporate comments and submissions from the public, including from individuals. This should be part of the interactive media strategy discussed in greater detail in section 10.4.

## 8. The development phase of the plan

After initial structures have been established in the preparatory phase, the next step is substantive development of the plan itself, its content and the mechanisms for implementation, monitoring and evaluation.

### Figure 8 – The development phase

- Frequent meetings of coordinating committee
- Conceptualization of national action plan
- Establishment of secretariat
- Consultation with NGOs and other interested groups
- Public meetings and public hearings
- Preparation of baseline study
- Identification of priorities
- Attention to vulnerable groups
- Issues for special focus
- Linkage with other national planning activities
- Drafting the plan
- Time frames
- Legal status

### 8.1 *Conceptualizing the national action plan*

One of the first and most important tasks of the coordinating committee is to develop a model of the national action plan concept that both draws on international work on such plans and is adapted to the situation of the country concerned.

Many of those involved in the coordinating committee may be unfamiliar with the concept of a national human rights action plan. Some of them may also have no experience in working within the broader human rights system. Nevertheless, the value of having a broad-based committee that comprises representatives of the wider community, government organizations responsible for implementing the plan and human rights experts is that it facilitates the development of a practical synthesis of ideas to serve as the basis for an effective plan.

The focal agency should prepare the way for the committee's conceptual discussions by:

- Providing appropriate background material on national action plans, including this Handbook, and information on international human rights standards, domestic norms and the national human rights situation;
- Preparing an options paper that elaborates several scenarios for implementing a plan that might be suited to the local situation;
- Inviting international experts who have had experience of such conceptual work and/or the development of national plans in other countries to conduct workshops

or seminars with the coordinating committee and other relevant agencies and organizations (this could be funded through international technical cooperation programmes).

The concept of the plan should incorporate both international norms and features of the local situation. In a series of meetings, the coordinating committee should seek to develop an outline for a plan that is ambitious but realistic and embodies substantive human rights commitments to be achieved within realistic time frames. This outline can then be used as the basis for consideration by the government and for consultation with the community.

## **8.2 *Preparation of a national human rights status report – a baseline study***

### **8.2.1 *General approach to the baseline study***

A comprehensive and accurate baseline study is a key element in any systematic approach to the development of a national action plan. For a country to move forward towards better observance of human rights, it is important to know where it stands at present. Many of the national action plans that have been published to date are based on comprehensive human rights needs assessments that were carried out in some cases by the United Nations. As a result, some have provided a broad-brush account of human rights problems that need to be addressed, a statement of current policy and an overview of what has been or is being done to address these challenges.

It must be acknowledged that such a detailed human rights baseline study may be perceived as a politically sensitive issue that governments are reluctant to embark upon. A baseline study will by its nature identify shortcomings, which may imply organizational responsibility for deficiencies, and this may in turn have negative implications. However, the willingness of the authorities to undertake a human rights assessment is itself an indication of the political will necessary for an effective national action plan process. Moreover, an accurate and frank assessment of pressing human rights problems is essential to identifying solutions.

A thorough baseline study can, in addition, be a major exercise in itself. A baseline study that seeks to reach detailed conclusions on the state of observance of all areas of human rights requires investigation into health care, the education system and many other areas of service delivery as well as into the administration of justice and the existence of discriminatory attitudes. Countries frequently carry out studies of matters of concern, and experience has shown that a comprehensive study of just one issue can take a considerable amount of time and involve substantial resources. It may be suggested that, in extreme cases, a detailed baseline study may take years and large amounts of money to complete.

If the baseline study is unreasonably expensive or prolonged, it may undermine the whole national plan process. In most cases, the solution is to find a commonsense approach to the preparation of the study. It is up to individual countries to decide how they should proceed in the light of their own circumstances, including available resources.

Political leaders, public officials, members of civil society organizations and members of the public will all, to a greater or lesser extent, have an understanding of the nature of present shortcomings and of what needs to be done. This understanding will be based on media reports, personal experience, information in the public domain and existing studies. The baseline study should only seek to confirm and systematize what is already known. It should be seen as a part of the national action plan process, not as a process in itself. In particular, it should not be a substitute for specific inquiries into matters of concern.

Some countries may wish to embark on more detailed assessments of their human rights situations even if they present some difficulties. Indeed, it is unlikely that genuine human rights improvements can be achieved without confronting challenging issues. In some situations in-depth investigations will be required into instances of serious human rights violations. It is suggested, however, that these should be the subject of specific investigations and not form part of the baseline study.

While the report should be frank, it need not be long. It should be comprehensive, covering economic, social and cultural rights and the right to development as well as civil and political rights. The report should draw on existing studies, where relevant, such as country reports to United Nations human rights treaty bodies, conclusions by United Nations treaty bodies and special rapporteurs, existing sectoral reports or reports by NGOs. It should focus on ways of contributing to the action plan and not on political advocacy, retrospective ascription of responsibility or inquiry into specific issues.

### **8.2.2 Content of the baseline study**

There is no single model for such a study, but some elements are generally appropriate. It should examine the legal framework, institutions for the protection of human rights and the state of human rights education and awareness. In particular, the report should identify the main areas in which problems have been encountered in meeting the country's human rights obligations.

It should focus also on the situation of vulnerable groups and the picture presented by social indicators. Highlighting major human rights issues that have been identified in the public arena will enhance the immediacy and relevance of the study.

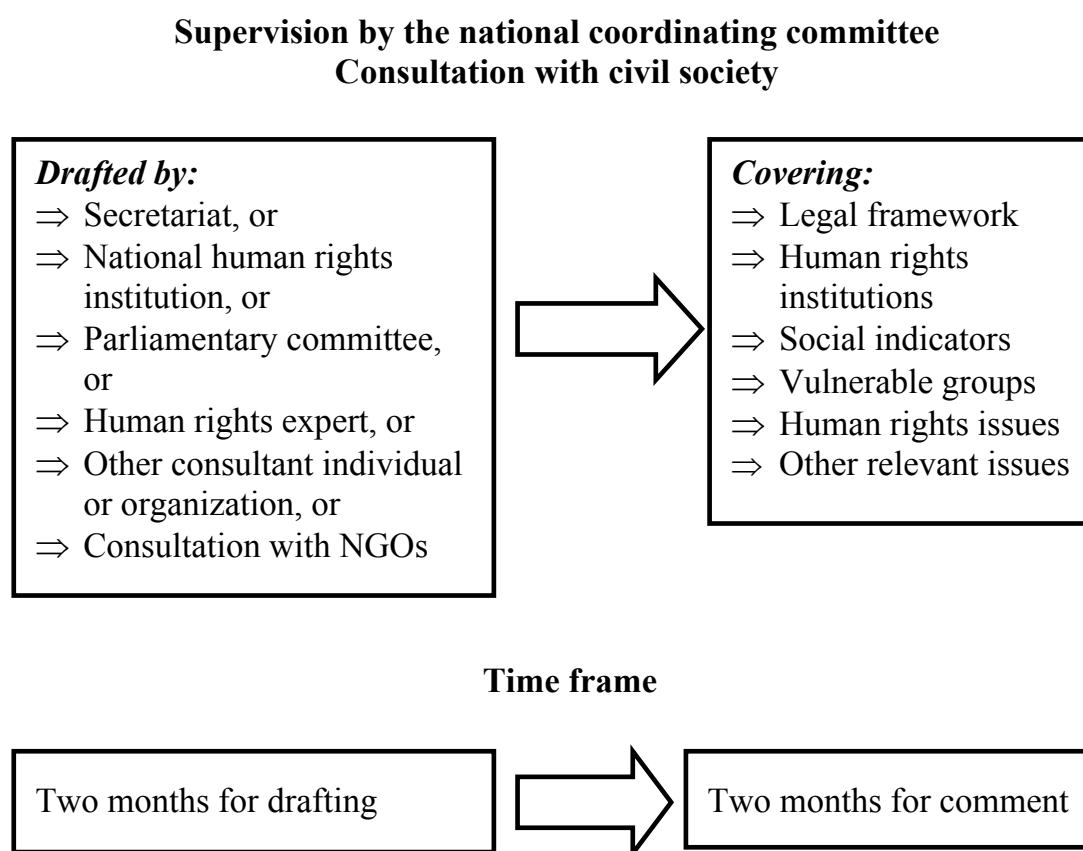
#### *Legal framework*

This should include the international framework, covering the extent to which the provisions of the Universal Declaration and applicable human rights treaties are observed as well as the status of the State's ratification of all major international human rights treaties. The incorporation of international norms into domestic law should also be covered and there should be a general survey of domestic law in the human rights field. Human rights issues will probably be covered in some way in a country's constitution and may appear in a variety of contexts in domestic legislation. It is important for the study to provide some impression of the effectiveness of the legal framework and the independence and capacity of the judicial system.

### *Human rights institutions*

The study should survey national institutions for the protection of human rights and comment on their effectiveness. It should cover not only the national human rights commission, where there is one, but also other relevant institutions such as those established to protect the rights of women, children or indigenous people or to promote human rights education or those that are relevant to other human rights issues. The study should also address the basic conditions for NGOs to function effectively.

**Figure 9 – The baseline study**



### *Social indicators*

These will provide an important indication of the state of human rights observance, particularly in relation to economic, social and cultural rights. It is important to provide disaggregated data, including for race, gender and other criteria, so that the incidence of discrimination is apparent. Where such indicators and information are not available, the national action plan may ultimately include plans to collect the necessary data regularly.

### *Vulnerable groups*

The study should list groups in society that are regarded as vulnerable or requiring some form of special attention. It should make an assessment of their human rights situation.

### *Human rights issues*

It may be useful to list the principal human rights issues that have been identified in recent times by national inquiries, the parliament, NGOs, the United Nations treaty bodies and special procedures, and the media.

### **8.2.3 Drafting and dissemination of the baseline study**

There are several possible approaches to drafting the baseline study:

- The coordinating committee may request the secretariat to draft it;
- The committee may commission a suitable individual, group or organization to undertake the task or constitute a task force of several organizations to do so. These may include national human rights institutions, parliaments, NGOs, judicial officials, representatives of international human rights organizations or respected human rights experts.
- An alternative model is for the baseline study to be the outcome of a consultative process managed on a cooperative basis between government and civil society. The exercise can be managed as an activity of the coordinating committee, possibly with the input of sectoral working groups. If it is properly organized, funded and prepared, a single meeting over several days, together with written submissions and some more informal information-gathering activities, can produce the desired assessment. If this does not accord with local conditions, for example in large or populous countries, the consultative process may comprise several meetings in different locations.

Whatever the approach, it is important to ensure adequate consultation before the study is finalized. Even if it is prepared in association with civil society, it is desirable to develop a draft for comment by interested groups and members of the public. This draft should be disseminated to all groups in the consultation process. It should also be posted on the plan's web site and should be made available to members of the public for comment.

There should be clear time frames to ensure that the preparation of the study does not delay the drafting and launching of the plan. On the basis that the study should not involve original research and should not be lengthy, a period of two months is suggested for the preparation of the draft study, with a further two months for comment. The coordinating committee should, of course, continue with other activities while the study is under way.

### **8.3 Identification of priorities**

A human rights action plan covers very broad fields of activity. It is not possible to overcome all human rights problems immediately. Resources and the need for education are important constraints. Consequently, judgements have to be made about priorities. Prioritization is a necessary management tool and is particularly important in the area of human rights because of the limited resources available in relation to the amount of work to be undertaken. Moreover, some human rights problems should be given priority, such as those concerning the right to life, torture and security of the person. Lastly, prioritization is closely related to the concept of substantive equality. The promotion of substantive and not only formal equality contributes significantly to the elimination of discrimination on grounds of race, gender and other criteria that have been identified in international standards.

Prioritization should be undertaken on a cooperative basis and it should be one of the prime tasks of the national coordinating committee. The following are some criteria for high-priority tasks:

- The severity of the problem identified in terms of its human rights impact;
- The cost implications of possible human rights “solutions”, taking into account the availability of resources;
- The impact of accomplishment of the task on other plan objectives; and
- The extent of public concern over the issue.

For those concerned with human rights improvements, the need for prioritization presents some dangers. They must be careful to avoid moving from discussion of priorities to the conclusion that one category of rights needs to be implemented before others can be realized. Recognition of the need to provide “all human rights for all”, to move forward in all areas, is essential to any comprehensive approach.

What then should be the priorities? Obviously they will differ from country to country but they should become clearer as a result of the baseline study process. The plan should certainly not fail to give proper expression to the most urgent problems identified in the needs assessment. Usually such problems will draw attention to themselves. Where there are people whose right to life is at risk, who are living in pain, fear and insecurity, who are living in misery because their economic, social and cultural rights are denied, or who suffer discrimination, some at least of the priorities will become clear. A national plan’s time frames and financial resources should obviously be designed to give preference to eliminating such serious problems. This will give rise to some difficult choices for the coordinating committee. In addressing priorities, it should give explicit attention to time frames - whether short, medium or long - for achievement of priority goals. This will enhance the plan’s transparency and promote discussion and purposive action.



#### **8.4 Vulnerable groups**

An important issue in the consideration of priorities is the human rights situation of vulnerable groups, given the need to incorporate fundamental norms of equality and non-discrimination effectively in the plan. The human rights problems facing such groups are often significant in a country's overall human rights picture. Yet because of the disadvantaged position of vulnerable groups, they may have a disproportionately low profile. In determining priorities special attention should be given to the needs of such groups and a particular effort should be made to bring them into the process as participants.

Some vulnerable groups are apparent to those working regularly in the human rights field. Indigenous peoples, ethnic, linguistic or religious minorities, persons with disabilities and refugees are examples that appear in most of the plans that have been prepared to date. Women and children are also always mentioned as groups requiring specific attention, though whether they should be classed as "vulnerable" groups is a matter for debate. Other groups that may not always spring to mind also demand serious attention. They include people living with HIV/AIDS, the mentally ill, the elderly and sexual-orientation minorities.

Vulnerable groups may also be viewed from a slightly different perspective, that is to say not as organic or cohesive groups but as economic or social groups deserving special attention. The Philippines plan refers, for example, to the urban poor and rural workers. Another consideration is that some categories of vulnerable groups are relevant to some countries and not to others.

#### **8.5 Issues for special focus**

It is up to each country to identify the issues on which it wishes to focus. However, most countries share the need to strengthen the legal and institutional framework for the protection and promotion of human rights and programmes for human rights education. For that reason, national action plans often recommend the establishment of a human rights commission, where one does not already exist.

#### **8.6 Drafting the plan**

Each country will have its own practices for drafting a plan such as this. Whatever approach is adopted, there are some factors that will contribute to the success of the exercise. First, as outlined in section 8.1, the national coordinating committee should determine the structure of the plan. This should flow from the initial discussions of the most appropriate way to incorporate both international norms and features of the local situation.

##### *Content*

Members of the committee will wish to make specific proposals regarding the content. Many of these proposals will represent the views of the organizations that committee

members represent, be they civil society organizations or government agencies. The committee may also draw, should it so wish, on the guidance in chapter 9 and the experiences of other countries that have developed plans.

In addition to proposals coming directly from members of the committee, proposals will also be made by members of the general public, either through the various formal and informal consultation mechanisms established by the committee or through written submissions. It will be the responsibility of the committee to decide on how these public proposals should be incorporated in the plan.

#### *Who should draft?*

There are several options as to how the actual drafting of the plan should proceed. Drafting may be done by:

- The secretariat,
- The various sectoral working groups, whose separate contributions can then be harmonized by the secretariat;
- External consultants; or
- Government agencies and civil society organizations, who can contribute to sections of the plan according to their responsibilities.

Whichever approach is chosen, the committee secretariat will have major responsibility for its implementation. Drafts of work in progress should be referred regularly to all members of the committee, particularly to give committee members with specialist expertise an opportunity to contribute input for the text at an early stage.

#### *Timetable for drafting*

There should be a clear timetable for the drafting process. As noted in section 5.6, the coordinating committee should aim to launch the plan some 12 to 18 months after the process has begun. Given the need for lead time for drafting to begin, for consultations and for time to consider the final draft, this will impose a tight schedule on the drafters and the coordinating committee. If specific interim deadlines and drafting targets are established, the task will be manageable.

#### *Dissemination and consultations*

It is also desirable for the draft plan to be made available publicly, both electronically and in hard copy, for comment and input. In this way, greater benefit can be drawn from the views of broader civil society for the development of the plan. Reaching out to people in this way will enhance the credibility of the final version. Its provisions will be likely to enjoy more effective support. Releasing the plan in draft form will also assist in promoting public awareness through the media. In some situations, it may be necessary to translate the draft into other languages spoken in the country concerned. As with the original submissions, the committee will have to decide on how public comment should be incorporated in the final version of the plan. This could be through media dissemination or other publicity or by one or more meetings to facilitate consultation.

There may also be a need for consultation between the committee and government on the terms of the final version of the plan. As there will have been substantial government representation on the coordinating committee, its deliberations may be expected to have proceeded with the government's full awareness and concurrence. Sometimes, however, it is only at the point where a final draft is available for consideration that the government's full attention is applied to such an issue. It is vitally important that the final version of the plan enjoys not only the approval of the government but also its enthusiastic support. Achievement of the plan's objectives will require adequate resources, sustained attention and sustained direction from the highest levels. Thus, it is important that the plan's text should be placed before government with a recommendation that it should be the subject of continuing government support.

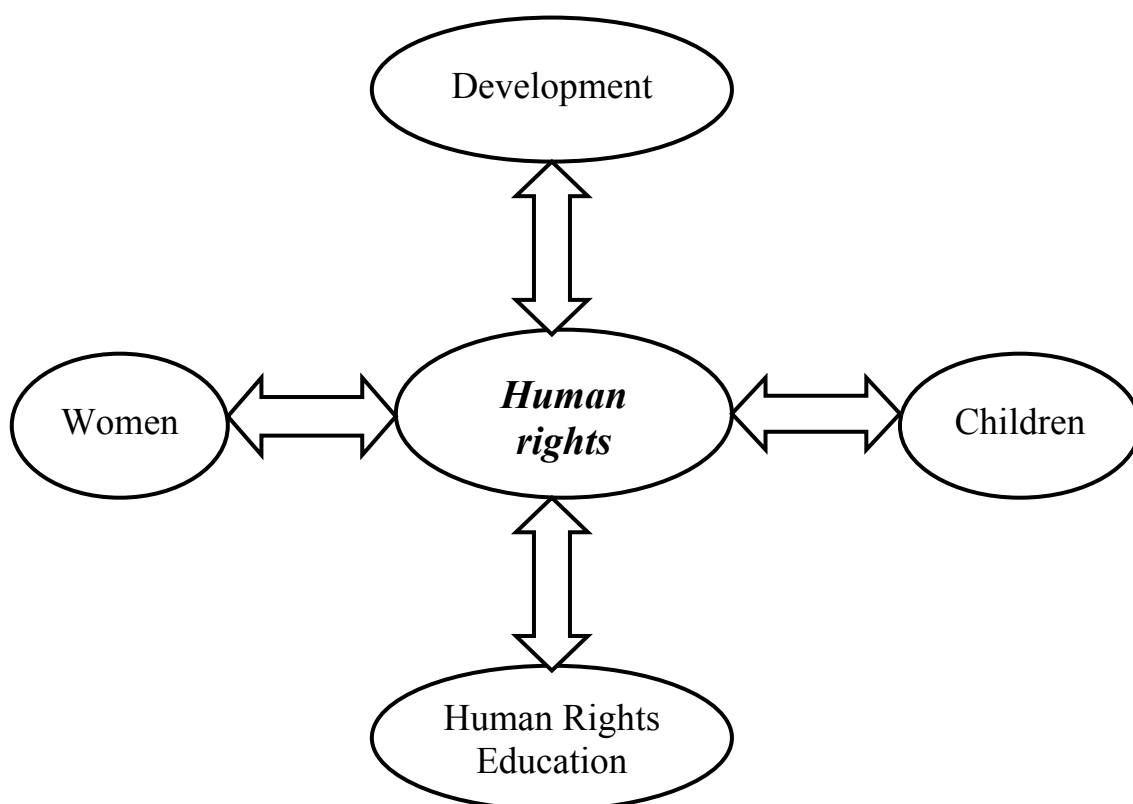
### **8.7 *Linkage with other national planning activities***

As they reach into most areas of government activity and are not only potentially beneficial to individuals but may also serve the interests of the nation as a whole, national human rights action plans are of overarching significance. Viewed conceptually, the realization of human rights may be seen to incorporate virtually all government activity in the social and legal areas. While this conceptual approach should be kept in mind, it should also be accepted that, realistically, linkage will be seen by government as a matter of coordinating human rights planning with the many other planning activities that are likely to be under way. It is important for the coordinating committee to ensure that the national human rights action plan is consistent with other national plans. Conversely, the committee should seek to ensure that the plan's human rights objectives are reflected in other planning activities.

This applies in particular to development. International human rights standards provide a framework for the effective pursuit of people-centred processes of development. The national human rights action plan will provide an ideal opportunity to promote public participation and to ensure the centrality of all human rights in the development process.

In addition to broad national plans, such as those relating to development, protection of children or elimination of discrimination against women, government social policy will usually be expressed in terms of objectives within some kind of plan, even if it is not given a public profile. For example, the health authorities of a particular country may plan to improve the availability of preventive health care or reduce the incidence of particular diseases. These plans may, however, be largely internal to the government agencies concerned. Nevertheless, it is on the content and implementation of these other plans that actual progress towards the achievement of human rights objectives will ultimately depend. It will be important for the coordinating committee to ensure that national human rights action plan goals are reflected in the State's social planning objectives, regardless of the format for expressing these objectives.

**Figure 10 – Linkages between national plans**



### **8.8 Time frames**

Time frames enter into the national action plan process in two ways. One is the time frame for the plan as a whole; the other is the timing for each of its individual components.

#### *Overall time frame*

The time frames for national action plans to date have ranged from two, three, five or ten years to an indefinite period. As the aim in national action planning is to promote a more systematic approach to human rights policy and to provide a stimulus to action, it is desirable to propose specific time frames in a plan for the achievement of its objectives. There should also be a time frame for the plan as a whole so that government and civil society have a global frame of reference for assessing the plan's achievements and shortcomings.

For the overall time frame, the plan should allow enough time for the necessary administrative, resource, educational and infrastructure measures to be put in place for some of the objectives to be achieved. The time frame should not therefore be too short. Equally, the time frame should not be so long that a sense of continuity or overall perspective is difficult to maintain. A period of five years is often chosen for economic plans and this also seems reasonable for a national human rights action plan. It may be useful to link the time frame for the human rights action plan

explicitly to the time frame for economic development plans. Individual countries may have differing views on this. The key issue is to ensure that there is a time frame, so that those involved have a deadline to structure their activities and to facilitate monitoring and final evaluation.

#### *Time frames for implementation of specific activities*

Wherever possible, specific activities proposed in the plan should also have specific time frames. Only where such targets exist will those charged with the implementation of the plan have a clear structure to work in and a basis for monitoring the plan's achievements. These time frames should be realistic. Where objectives are expressed in general terms (referred to elsewhere as "goals") or are clearly long term, it may be desirable to propose interim or contributory objectives with more specific timings.

One example of the use of specific time frames is the national plan of Indonesia. The plan as a whole has a five-year time frame, after which it is to be reviewed and renewed. For specific objectives relating to the ratification of international human rights instruments, the plan sets a schedule of progressive ratifications over the five-year life of the plan. This provides a clear target for the government agencies responsible for these steps. It also makes evaluation of progress, in this area at least, quite straightforward.

The time frames should be an integral part of the plan, in other words set out in the plan document rather than being left for separate action.

### **8.9 Legal status**

An issue that has formed part of some countries' consideration of national plans is whether or not the plan should enjoy legal status. What is or is not possible in this area will depend very much on the legal traditions and policies of the countries concerned. However, there are a number of advantages to be gained from moving in this direction, including:

- Action to provide some form of legal status would tend to promote broader political support for the plan;
- It would be an important symbol of the commitment of the nation to the promotion and protection of human rights;
- It would encourage civil society and promote a more cooperative relationship with government;
- Action by the legislature would have the substantive benefit of strengthening the commitment of officials to the task.

If legislation is the desired path, the coordinating committee should manage the processes aimed at giving effect to such a decision. Enacting legislation can often be a difficult and lengthy process and appropriate steps will probably have to be pursued with some vigour. It may be a complex task to draft an instrument or instruments that convey the content of the plan, while at the same time maintaining an appropriate relationship with other national legislation. Obviously the government will have to

give strong support to such a proposal, but it is also desirable to arrange consultations with other political parties in the parliament to ensure the widest possible support.

An easier path may be to incorporate the plan in a government or presidential decree. Depending on the country concerned, this will probably have different legal force from legislation as such. It will go beyond endorsement by the head of State or government, which is envisaged in any case as essential to the process of developing and implementing the plan.

A third approach in this area is to seek parliamentary endorsement of the plan rather than specific legislation. Once again this goes beyond endorsement by relevant political leaders in public statements, since it involves a specific parliamentary debate and an act of endorsement of the plan. Such a step is easier in legal terms than enacting legislation to give effect to the plan. If possible, it is desirable for the coordinating committee to propose such a step, as it would give a substantive stimulus to effective implementation of the plan.

## **9. Content and structure of the plan**

### **9.1 General issues**

Determining and expressing the content of the plan are probably the most important parts of the national action plan process. Other elements such as consultation and implementation are of course also important, but it is the content that embodies the government's commitment to take action and that provides the basis for implementation. Moreover, the commitments described will constitute benchmarks by which the degree of success is measured.

The plan should have a clear, systematic and logical structure. This will facilitate its acceptance and understanding by the general public, its incorporation in the planning of specific implementing agencies and the process of monitoring and evaluation.

### **9.2 Principles and objectives**

All countries share a common ultimate goal – broadly, “all human rights for all” – but the path to that goal, in practical terms, will be different for each country. Thus, different national action plans will contain common elements, in terms of broad principles and structure, but each will differ in terms of specifics. A national action plan must be tailored to the circumstances of the country concerned and each country will thus have a different starting point. But wherever that starting point may be, each country should formulate concrete measures to enable it to move forward in human rights terms.

#### *Principles expressed as mission statements*

The process of developing a national action plan will benefit from consideration of its conceptual origins and of the general purposes it is intended to serve. Many existing plans have included, in their introductory sections, statements about broad purposes and conceptual issues. Sometimes these are described as “mission statements”. Such considered statements constitute a useful orientation for those working on the plan as well as providing guidance to the general public. Many statements emphasize the importance of a commitment to international human rights standards both as a source of inspiration and as specific guidance for action.

#### *Broad objectives*

When considering the drafting of a national action plan, the objectives outlined in chapter 2 may be grouped into three distinct areas:

- Achievement of genuine and substantive improvements in the observance of human rights;
- Promotion of greater awareness of human rights, both in the general public and in specific sectors; and

- Promotion of coordination of human rights activity among diverse government agencies and non-governmental organizations.

It is important to develop awareness of all human rights, including economic, social and cultural rights, among those working in diverse and relevant fields. Coordination is also important. But the overarching objective of the plan is to bring about tangible improvements in observance of all categories of human rights.

From this point of view, it is important for those involved in the development and implementation of the plan to prevent it from being limited to a public relations exercise. For example, there may be a temptation simply to include ongoing programmes in relevant areas and to re-label them as human rights programmes. While this may entail some benefit, as it may promote awareness of human rights and a rights-based approach to social and development programming, if it is the only or the main content of the plan in the area concerned, it will fall well short of what might be achieved using the mechanism of a national action plan.

Hence a desirable general approach is to set out broad principles but also to include particular and achievable targets. It will then be possible to demonstrate progress and to ensure that the effort that has gone into the national planning process has been worthwhile.

### **9.3 Scope of the plan**

In keeping with the indivisibility of human rights, the plan should be broad in scope. At the same time, consideration should be given to how detailed the plan can or should be in some areas. This is particularly relevant to economic, social and cultural rights, although it is also a consideration in other areas. Many of the issues covered by the plan will represent a human rights orientation for activities that are an ongoing part of a government's normal programmes. In areas where substantive activity is already taking place, care will be needed to focus on the substantive benefit of the plan. The coordinating committee should clarify what the plan adds to work already under way. If it does little more than reformulate objectives and programmes already in existence, it runs the risk of adding to administrative and reporting workloads and undermining official support. In many areas, it will be better to emphasize raising awareness of the human rights dimensions of a particular issue among those responsible for implementing relevant programmes rather than attempting to provide a human rights version of most areas of government activity.

In addition to more traditional issues such as civil rights within the legal system and discrimination, the plan should also address issues that have appeared more recently on the human rights agenda, such as trafficking in women and child pornography on the Internet. The plan should take account of information technology issues that affect human rights, both positively by enhancing the dissemination of human rights information and negatively by providing a medium for exploitation, for example with regard to children.



## **9.4 Format**

Consideration should also be given to the format of the plan as a document. It will be aimed at practitioners – politicians, public officials and civil society organizations – as well as the general public. It should therefore be a document that inspires and encourages users. It should provide practical guidance but should not be too lengthy. Consideration should be given to a layout that is clear and easy to understand.

Some of the countries that have adopted plans have found it useful to work on the basis of a set of headings applicable to each area considered, which give a clear indication of the current state of affairs and proposals for change. Such headings may include:

- International obligations and national legislation;
- What has been done to date;
- Present situation (drawing on the baseline study);
- Proposed action within various time frames – short, medium and long;
- Institutional responsibility for the proposed action and identification of resources;
- Monitoring and evaluation.

It is important to make clear the commitment of government to the achievement of the plan's objectives. Directions from the head of State or government should be specifically included. To ensure that it can serve as a working document, it may be useful to include relevant contact details of key organizations in each sector. This will enable civil society organizations and the general public to become engaged more readily in implementation of the plan. It may also serve to foster a better partnership between government and civil society. The document should also include appropriate references to international human rights norms and national legislation.

## **9.5 Targets and benchmarks**

To be realistic, targets should be reasonably precise and achievable within reasonable time frames. Judgement will be required to decide in which areas and in what terms targets should be defined. In some areas, for example the administration of justice, establishment of human rights coordination committees, ratification of international standards and human rights education, it is desirable to include detailed targets in the plan itself. In the case of economic, social and cultural rights, the plan may include broad targets, such as reducing rates of illiteracy, mortality, morbidity or homelessness, increasing school retention rates and improving nutrition. However, in line with the view expressed in the previous section, it is probably not desirable to attempt a plan that prescribes detailed activities in all areas of social policy, for example extending into areas such as education and health. A preferable approach will often be for individual implementing agencies to incorporate more general human rights objectives of the national plan into their own separate planning documents as higher-level targets, ensuring consistency with their own objectives. It will be for the specific agency to decide how their normal programmes should be pursued or adjusted in order to implement these human rights objectives.

**Figure 11 – Suggestions for the structure of a national action plan**

<b>Goal</b>	<b>Objective</b>	<b>Activity</b>	<b>Relevant agency</b>	<b>Completion Target date</b>	<b>Performance indicator</b>
1. Promote broad public awareness of human rights	1. Raise awareness of the human rights needs of vulnerable groups in society	1. Produce and arrange dissemination of a series of radio and television programmes on the human rights of vulnerable groups in society 2. Commission and publish an expert report on human rights needs of vulnerable groups 3. Public statements by leading political figures on human rights needs of vulnerable groups	Insert names of relevant agencies	Insert target dates for completion	Completion of proposed activities Surveys indicating raised public awareness
	2. Raise public awareness of international human rights instruments	1. Distribute information kits on instruments to educational institutions, NGOs, government departments 2. Conduct seminars for relevant government officials, including police and armed forces 3. Publicize reports to and comments of treaty bodies 4. Organize media events, e.g. on International Human Rights Day	Insert names of relevant agencies	Insert target dates for completion	Completion of proposed activities Surveys indicating raised public awareness
2. Extend implementation of international standards	1. Ratify international instruments	1. Engage in relevant consultations 2. Take necessary administrative and legal steps 3. Publicize action			Deposit of instruments of ratification
	2. Withdraw reservations	1. Engage in relevant consultations 2. Take necessary administrative and legal steps 3. Publicize action			Advice to United Nations of withdrawal of reservations
	3. Enact implementing legislation	1. Engage in relevant consultations 2. Take necessary administrative and legal steps 3. Publicize action			Enactment of legislation

## *Goals*

Those involved in developing the plan will often wish to express more general or aspirational goals, probably couched in more imprecise terms. The use of such general formulations need not be a problem so long as they are incorporated in a systematic framework. For example (using the methodology followed in some development assistance programming), the broadest objectives of the plan might be described as **goals**. They might be expressed in terms such as “to promote broad public awareness of human rights” or “to strengthen the capacity of national human rights institutions”. Expressed in this way, they would not lend themselves to detailed analysis but serve the purpose of giving a clear indication of the government’s intentions. Such general goals should be few in number. A lengthy list risks drowning the plan in vague (and often too familiar) rhetorical flourishes.

## *Objectives*

At the next subordinate level, the plan may outline more specific targets as **objectives**. These should not simply be a rewording of the goals but should set out conditions providing evidence that the goals are being achieved. For example, pursuing the public awareness theme, an objective might be “to disseminate awareness of the human rights needs of vulnerable groups in society”. This greater level of specificity will serve the important purpose of facilitating more effective monitoring and evaluation.

## *Activities and performance indicators*

The next subordinate level may comprise a list of the various **activities** proposed as the substantive content of the plan. These are the specific actions that the government concerned commits itself to undertake. An activity corresponding to the example given above might be “to produce and arrange dissemination of a series of radio and television programmes on the human rights of vulnerable groups in society”. Completion of the various activities would represent achievement of the objectives set out at higher levels in the plan. Looking at the logical character of the plan, these actions may be incorporated as specific **performance indicators**, which will lend themselves to more effective implementation and monitoring. It is extremely important for the performance indicators to be clear and fully understood by all who need to work with them. It will usually be better if they are simple and precise. It is also important for the coordinating committee and the relevant implementing agency or agencies to agree that the performance indicators represent the standard that will be used to evaluate whether or not the agreed objectives have been achieved.

It is probably better not to include an objective in the plan unless there is a genuine willingness to move towards its achievement and some reasonable prospect of success. The inclusion of targets for rhetorical reasons is likely only to undermine the whole planning process and, by diminishing the plan’s credibility, to render less likely the achievement of other more realistic goals.

While the preparation of the plan is not intended to become a mechanical exercise, the process may become clearer if, in addition to the narrative text, the plan is prepared in a tabular format that sets out the interrelationship between its various elements. Such

a table might incorporate goals, objectives, activities, the agency or agencies responsible for carrying out each activity, the timetable for each activity and a description of the performance indicators that may be used to determine whether the activity has been carried out according to plan. Whether or not the published document is in tabular form, such a table may be useful as an “in-house” document for those responsible for developing, implementing and monitoring the plan.

## **9.6 Responsibility for implementation**

The plan should specify which agencies are responsible for implementing the various activities provided for in the document. This should extend to implementing partners such as civil society organizations. It should also extend, where appropriate, to provincial or local government agencies that have ultimate responsibility in certain areas. This issue is addressed in greater detail in sections 10.1 and 10.2.

## **9.7 Suggestions for the plan's content**

The following outline is not prescriptive. The circumstances of each country will differ but users of the Handbook should consider drawing on each of the proposed areas to the greatest extent consistent with the situation in their country. Moreover, the proposals in the outline are not exhaustive. There will probably be other elements appropriate to individual countries that should be proposed for action within the plan. For more detailed guidance on the possible content of a national action plan, users of the Handbook are referred to the plans that have already been developed by various countries (see chapter 4).

### **9.7.1 International and national legal frameworks**

#### ***Suggested national action plan content:***

##### *Commitments:*

- *Ratification of United Nations or other international human rights instruments, including an outline of specific steps that the State will take to achieve this objective;*
- *Overcoming any delays that impede the State's compliance with its reporting obligations, including the establishment of time frames;*
- *Withdrawal of any reservations the State has entered to international human rights instruments;*
- *Accession to optional protocols to human rights treaties, including complaint procedures;*
- *Incorporation of international human rights standards in domestic law and practice, including appropriate research and implementation steps.*

For over fifty years, the international human rights legal system has provided inspiration and guidance to all peoples and countries as they work to improve the observance of human rights. The effective operation of the international system and the widest possible engagement in it are fundamental objectives. Accordingly, the

international community has set as a target the universal ratification of international human rights instruments, most prominently in the Vienna Declaration and Programme of Action.<sup>15</sup> An obligation common to all the major treaties is the submission of reports to the various committees. Most States find it difficult to meet this obligation in a timely way. To enhance the effectiveness of the treaty system, it is important for States to seek to improve their performance in this area.

By their nature, reservations to human rights instruments limit the application and hence the effectiveness of these instruments. Encouraging the limitation or removal of such reservations is therefore another objective of the international community.<sup>16</sup> Several international instruments have optional protocols, including complaint procedures that serve to define the application of the treaties to individuals, their ultimate beneficiaries. The United Nations General Assembly has regularly encouraged States to consider accepting these optional protocols.

### **9.7.2 Economic, social and cultural rights**

#### ***Suggested national action plan content:***

- *Commitment to take legislative and administrative measures to entrench the recognition and observance of economic, social and cultural rights;*
- *Commitment to effective means of redress for violations of economic, social and cultural rights;*
- *Elaboration of benchmarks for the realization of economic, social and cultural rights in line with the country's human rights obligations and development of specific programmes to achieve associated targets in areas such as:*
  - *The right to an adequate standard of living, including nutrition and housing;*
  - *The right to health;*
  - *The right to education;*
  - *The right to social security;*
  - *The right to take part in cultural life;*
  - *The right to work;*
  - *The right to just and favourable conditions of work and to form and join trade unions;*
- *Elimination of discrimination in the observance of economic, social and cultural rights;*
- *Development of mechanisms to monitor on a regular basis the observance or non-observance of economic, social and cultural rights;*
- *Conduct of public inquiries into systemic problems in the areas of economic, social and cultural rights;*
- *Proposal of programmes of awareness of economic, social and cultural rights both for relevant officials and workers and for the general public;*
- *Promotion of research and debate on economic, social and cultural rights.*

This Handbook has emphasized the need for a comprehensive approach in any national action plan. In particular, the plan should be based on the universality and indivisibility of human rights. There are various possible ways of reflecting this broad

---

<sup>15</sup> Vienna Declaration and Programme of Action, Part I, para. 26, and Part II, para. 4.

<sup>16</sup> Vienna Declaration and Programme of Action, Part II, para. 5.

scope in the plan. An important corollary of the breadth of human rights principles is that they apply to most areas of human activity and hence government programmes.

Attracting attention to the importance of economic, social and cultural rights has proved difficult. Much government activity focuses on the economic, social and cultural sectors but the extent to which activity in these areas has a human rights dimension is not well understood by many practitioners. The key point is that recognition of rights in the economic, social and cultural area requires policy-makers and service providers to move away from the traditional welfare approach. The framework in which they work should no longer be based on what a government is prepared to provide within existing budgets and policy settings but on the entitlements of rights-holders. This should provide a stimulus to intensified action.

If, for example, a government seeks to eliminate inequalities between ethnic groups in, say, the rate of infant mortality, it will start with the recognition that the disadvantaged group has the right to outcomes no worse than for the community as a whole. The reduction of the infant mortality rate to a certain level will then become one of the benchmarks for the observance of human rights in this area.

This Handbook earlier discussed the important practical question of how far a national action plan should go in specifying actions aimed at promoting economic, social and cultural rights. One option would be for a national human rights action plan to provide for detailed activities across the whole range of economic, social and cultural issues. This Handbook takes the view that such a broad approach could present difficulties. It will not be possible for the national human rights action plan to take on the full functions of social planning in all relevant areas. Most of those involved in the national plan process will have neither the expertise nor the mandate to undertake such a task, which would inevitably lead to duplication and possible inefficiency. If the plan consists of no more than a recitation of existing programmes, it will devalue the national action plan process by failing to provide any value additional to that already existing in the various programmes.

It is suggested that the plan should focus on promoting legislation, redress, benchmarks, monitoring and greater awareness and understanding of economic, social and cultural rights. It should also focus on synergistic linkages with programmes of agencies with responsibilities in the economic, social and cultural areas. The plan should involve such agencies in the planning process so that their programme targets promote observance of economic, social and cultural rights.

Awareness-raising programmes should aim at alerting officials, parliamentarians, community workers, academics, the media and the general public to the fact that action in these areas is part of the effort to improve observance of human rights. Such programmes should both be specific to this area and form part of general human rights education activities. The awareness-raising effort should also encompass research. Work that has taken place within the framework of the United Nations, including the contributions of the Committee on Economic, Social and Cultural Rights, will be invaluable in promoting this better understanding.

### 9.7.3 Civil and political rights

#### ***Suggested national action plan content:***

- *Commitment to enact legislation protecting civil and political rights, including legislation addressing issues such as violence against women and exploitation of children;*
- *Legal reform with a view to bringing the criminal procedure code and other key legislative acts into conformity with the relevant human rights treaties;*
- *Proposed measures aimed at strengthening the independence of the judiciary;*
- *Proposed training on human rights issues for the judiciary, police, correctional services workers and security authorities;*
- *Provision of adequate resources to ensure that the court system and the general administration of justice operate effectively, that police operations are able to give full attention to the rights of citizens and that correctional institutions are better able to observe the rights of detainees;*
- *Establishment of standing monitoring mechanisms (such as a prison inspectorate) and commissions of inquiry where needed to investigate and formulate recommendations on specific issues;*
- *Abolition or limitation of the death penalty;*
- *Establishment of operational policies and guidelines for the judiciary, police, correctional service workers and security authorities that ensure actions are in accordance with internationally recognized human rights standards;*
- *Steps to strengthen the electoral system to ensure it provides for genuine periodic elections in accordance with international human rights standards and international best practice;*
- *Establishment of effective mechanisms aimed at the eradication of impunity, including grievance procedures in relation to public administration and effective measures of redress for violations of human rights;*
- *Steps to promote freedom of information, particularly access to State-owned broadcasting media;*
- *Steps to promote freedom of religion;*
- *Establishment or strengthening of provisions for legal aid.*

National action plans should focus on administration of justice issues, which are often the source of serious human rights problems, particularly for minorities. This involves improving the protection and promotion of the human rights of persons coming into contact with the police, the courts and prisons. Legal reform is another area that is often of relevance to civil and political rights, as many legislative acts may never have been brought into conformity with the applicable international human rights obligations of the government. Sometimes acceptance of a human rights treaty may require new definitions in the law (such as “torture”, as defined under article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment); the criminalization of certain acts (such as incitement to racial hatred or violence, as required by article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination); or the setting of minimum standards (such as a minimum age for marriage, as required under article 16 of the Convention on the Elimination of All Forms of Discrimination against Women).

#### 9.7.4 Particular groups/vulnerable groups

##### ***Suggested national action plan content:***

- *Indication of legislation or administrative action aimed at improving observance of the human rights of groups such as:*
  - ✓ *Women*
  - ✓ *Children*
  - ✓ *Indigenous peoples*
  - ✓ *Racial, ethnic, religious, linguistic and other minorities*
  - ✓ *Persons living in extreme poverty*
  - ✓ *Persons with disabilities*
  - ✓ *Persons living with HIV/AIDS*
  - ✓ *Older persons*
  - ✓ *The mentally ill*
  - ✓ *Refugees and asylum-seekers*
  - ✓ *Migrant workers*
- *Indication of steps to prevent discrimination*

National human rights action plans should promote broad national goals such as national integration, elimination of inequalities and poverty alleviation. If substantive equality is to be achieved, it will be necessary to develop programmes targeted at the needs of specific groups, including vulnerable groups, who may not benefit from legal and other measures providing for formal equality. Most of the plans that have been developed to date have laid emphasis on special measures directed towards promoting and protecting the rights of such groups.

#### 9.7.5 Collective rights

##### ***Suggested national action plan content:***

- *Promotion of research and debate on collective rights;*
- *Coverage of collective rights in human rights education programmes;*
- *Promotion of awareness of the right to development among government national planning or development assistance agencies;*
- *Promotion of consideration of the right to development and human rights issues in international forums dealing with economic issues;*
- *Development of policies that integrate human rights into the development process;*
- *Strengthening of the ability of indigenous and minority peoples to maintain and develop their distinct identities and to make decisions on matters affecting them;*
- *Protection of indigenous and minority peoples from policies destructive of their economies and cultures;*
- *Facilitating the establishment by indigenous and minority peoples of their own political and social institutions.*

Collective rights or solidarity rights often provide a framework within which other rights can flourish. References to measures aimed at strengthening the autonomy of indigenous and minority groups are not intended to be inconsistent with fundamental



principles of the Charter of the United Nations,<sup>17</sup> particularly in relation to national unity.

### **9.7.6 National institutions**

#### ***Suggested national action plan content:***

- *Commitment to establishing national human rights institutions (NHRIs - such as a human rights commission or ombudsman) in conformity with the “Paris Principles”;*<sup>18</sup>
- *Commitment to expanding or strengthening the mandate of an existing national institution;*
- *Commitment to increasing resources available to an NHRI, particularly where it is given additional functions relating to the implementation of the national action plan.*

National human rights institutions, particularly human rights commissions, can play an extremely important role in promoting and protecting human rights within a country. A strong national human rights action plan should therefore provide for the establishment of a national human rights institution or, where such an institution has already been established, for its strengthening through expansion of its mandate and an increase in the resources available to it. Where the NHRI has a role in the implementation of the plan that goes beyond its normal functions, additional resources should be provided to enable it to carry out this task effectively.

### **9.7.7 Human rights education**

#### ***Suggested national action plan content:***

- *Commitment to a comprehensive programme of human rights education using the guidance provided in the United Nations Guidelines for National Plans of Action for Human Rights Education;*
- *Human rights training for police, prisons officials, judges, magistrates and lawyers;*
- *Development of human rights curricula at all educational levels (primary, secondary and tertiary);*
- *Public information and awareness campaigns.*

---

<sup>17</sup> Vienna Declaration and Programme of Action, following the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, provides that reference to self-determination “shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind”.

<sup>18</sup> The “Paris Principles” is the name commonly given to the *Principles relating to the Status of National Institutions*, which were the outcome of an international workshop held in Paris in October 1991. They were subsequently endorsed by the General Assembly in its resolution 48/134 of 20 December 1993 (<http://www.unhchr.ch/html/menu6/2/fs19.htm#annex>).

Human rights education is the fundamental instrument through which a culture of human rights may be developed. Such a culture can change underlying attitudes, strengthen respect for human rights norms and form the basis for the observance of human rights in the long term. The United Nations Decade for Human Rights Education was proclaimed in 1994 and runs until 2004. OHCHR developed a Plan of Action for the Decade<sup>19</sup> in 1996. According to paragraph 11 of the Plan of Action:

*Governments should play an active role in the implementation of the programme of the Decade through the development of national plans of action for human rights education.*

In cooperation with UNESCO, OHCHR has already developed *Guidelines for National Plans of Action for Human Rights Education*<sup>20</sup> which include a set of principles for effective human rights education and a step-by-step strategy to develop national plans in this area. The Guidelines set out:

- The objectives of human rights education plans;
- Suggestions as to the structure and functions of the national committee established to develop, implement and evaluate the national plan;
- Provisions for a baseline study;
- Priority-setting;
- Suggestions for developing and implementing the plan;
- Recommendations on how the plan should be evaluated.

#### **9.7.8 Civil society**

##### ***Suggested national action plan content:***

- *Proposed legal and administrative measures aimed at facilitating the activities of non-governmental organizations;*
- *Commitment to implementing the provisions of the “Declaration on Human Rights Defenders”,<sup>21</sup>*
- *Commitment to involving civil society representatives in implementation and monitoring of the plan.*

Virtually all actors in the field of human rights, governmental and non-governmental bodies alike, have accepted that the active involvement of civil society in measures to promote and protect human rights is essential. The plan should therefore propose ways in which this involvement can be fostered.

---

<sup>19</sup> United Nations document A/51/506/Add.1.

<sup>20</sup> United Nations documents A/52/469/Add.1 and Add.1/Corr.1. These may be found in the OHCHR publication *The United Nations Decade for Human Rights Education 1995 – 2004: Lessons for Life*, Geneva, 1998.

<sup>21</sup> Declaration on the Right and Responsibility of Individuals Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, General Assembly resolution 53/144 of 9 December 1998. This document can be accessed on the OHCHR web site ([www.ohchr.org](http://www.ohchr.org)) under “Treaties”, then “Human Rights Defenders”.

### 9.7.9 International action

#### *Suggested national action plan content:*

- *Proposed measures to strengthen cooperation with regional and international human rights organizations;*
- *Proposed measures of cooperation with other countries on human rights matters, including comparing experience in the implementation of national action plans;*
- *Submission of overdue reports to the United Nations treaty monitoring bodies;*
- *Active follow-up to the conclusions and recommendations of the treaty bodies;*
- *Measures to make reports submitted to the treaty bodies available to the general public;*
- *Increased cooperation with Special Rapporteurs of the United Nations Commission on Human Rights;*
- *As applicable, steps to follow up the conclusions and recommendations of Special Rapporteurs;*
- *Where appropriate, drawing on international funding and technical assistance for the implementation of national action plan components;*
- *Where appropriate and requested, provision of funding and technical assistance for the promotion and protection of human rights in other countries.*

Human rights activities have developed as an important area of international cooperation. The United Nations and other international and regional bodies carry out programmes in the area of monitoring, standard-setting, technical assistance and research. The international focus on human rights issues has facilitated the promotion and protection of human rights in individual countries, which have drawn inspiration and received technical guidance from the work of the international community. Any country seeking to improve its human rights performance should consider how it can contribute to international human rights work. Such efforts will assist in promoting human rights elsewhere and enable interested countries to benefit from the experience, technical assistance and resources of others. Countries with development assistance programmes should include the promotion of human rights as an important element in the programmes. National human rights action plans can serve the very useful purpose of providing a framework for the development and implementation of assistance programmes. Countries whose own resources are limited may wish to enter into arrangements to receive technical assistance from others. This has been done by a number of countries that have established national action plans to date. In some cases, they have designated specific plan activities as particularly appropriate for implementation with international assistance. Others have simply expressed a more general interest in receiving assistance for their implementation.

### 9.7.10 Proposed monitoring and evaluation mechanisms

The plan should provide for its own monitoring and evaluation mechanisms to emphasize the seriousness of the enterprise. More detail is provided in chapters 11 and 12. An important part of the monitoring and evaluation process is the establishment of time frames both for the plan as a whole and for individual activities. The plan should also outline how the monitoring and evaluation process might be carried out. It will probably not be necessary to go into detail because it is not always possible to foresee at the outset the best methods of conducting the monitoring or

evaluation process at a later stage. Details of the evaluation mechanism can be worked out towards the end of the plan. The important thing at this stage is make an explicit commitment to monitoring and evaluation.

## PART III: IMPLEMENTATION, MONITORING AND EVALUATION OF A NATIONAL ACTION PLAN

### **10. Implementation of the plan**

#### ***10.1 Implementing mechanisms***

If the plan has been developed on the basis of realistic objectives, clear targets, broad scope and inclusive participation, it will be much easier to ensure effective implementation. Nevertheless, implementation should not be left to look after itself. Good work done in the developmental phase must be systematically carried through to the implementation phase. The coordinating committee set up to manage the development of the plan should not necessarily be disbanded when the plan is launched. Rather, it may be maintained and given responsibility for monitoring implementation. This chapter describes the full range of possible functions that can be carried out by a coordinating committee in such a case.

##### *Agency implementation mechanisms*

How implementation proceeds will vary from country to country. If commitment has been secured during the development of the plan from the various government agencies responsible for different sectoral activities, each of those agencies is likely to set up its own implementation mechanisms that can be expected to operate effectively. This will be extremely helpful for the overall process. However, rather than leaving it entirely up to individual agencies to devise their own implementation mechanisms, the coordinating committee may propose a coordinated structure that takes account both of the individual approaches of the agencies and the need for consistency on the part of all those involved in the plan. This should, of course, be done in consultation with the agencies concerned.

##### *Agency reports*

As part of this coordinated approach, it is desirable for each of the implementing agencies to provide progressive reports on their activity. The coordinating committee should meet on a periodic basis to review these reports and to monitor how the activities of the various implementing agencies compare with the commitments provided for in the plan. Where there are gaps, the coordinating committee should draw this to the attention of the agencies responsible so that an extra effort can be made to meet the original objectives of the plan. It will be easier to take such action effectively if the committee is broad-based and its chairperson is able to exercise effective influence. The monitoring and evaluation process is discussed in greater detail in the next chapter.

##### *Provincial and local government responsibilities*

Responsibility for implementing the plan is likely to be spread over several levels of government, particularly if a country has a federal constitutional arrangement. In some cases, provincial or local governments will have substantial responsibilities, for example in the areas of administration of justice, policing, health, education, housing and so on. Special attention will have to be given to ensuring that these subordinate levels of government are part of the coordination process. Central government agencies responsible for specific areas of the plan should assume responsibility for briefing and consulting provincial or local government agencies. The coordinating committee should also consider arranging seminars, briefing sessions or some other form of direct communication with such agencies to ensure that those with grassroots responsibilities are fully engaged in the national action plan process.

## **10.2 Implementing partners**

Government agencies have primary responsibility for implementation of the plan, which will thus assign responsibility for implementing various activities to ministries or departments of justice, foreign affairs, defence, education, health and so on. Discussions about which agencies are responsible for what should form part of the process of developing the plan. It is important for the plan to make explicit reference to the various institutional responsibilities so that it is clear to the agencies themselves as well as to stakeholders and the general public.

The concept of implementing partners should extend beyond the government agencies with responsibility for implementing various sections of the plan. The range of issues to be covered by a plan is so wide and the need for broad participation and involvement so great that the approach to implementation must be an innovative and inclusive one. Thus, the coordinating committee and its secretariat, as well as the various government agencies responsible for the plan, should identify other potential partners who may be interested and capable of furthering its objectives.

For example, in the area of human rights education, partnerships may be developed with professional associations of teachers, authors and publishers of textbooks and other materials, Internet search engines and service providers, and media personalities and organizations. In the area of administration of justice, partnerships may be developed with professional associations of jurists, police and security personnel, social workers and community organizations. There may also be scope for developing partnerships with international bodies such as United Nations agencies. In all areas, the plan should give consideration to establishing productive partnerships with relevant NGOs, trade unions, business corporations and philanthropic foundations.

Implementing partners may become involved in a wide range of activities such as:

- Development of projects in cooperation with the police, the judiciary, prison officials and legal aid organizations aimed at the protection of the rights of persons who are arrested or in detention;
- Funding of projects aimed at improving the health status or employment chances of vulnerable people by business corporations or philanthropic foundations;
- Promotion of awareness of the human rights aspects of issues such as HIV/AIDS, child labour or trafficking in women by the media and prominent personalities;

- Promotion of awareness of labour rights by trade unions and employers.

If the basic processes of government administration are enhanced through supportive activities involving a wide range of organizations and individuals, the implementation of the plan is likely to produce a greater impact. Such implementing partners are likely to be closer to various constituencies in society such as local communities, women, youth, labour, the professions and business. Tapping into contemporary styles of communication is likely to give the plan greater immediacy and relevance, to promote stronger support for its objectives and to contribute to its effectiveness.

### **10.3 Launching the plan**

This Handbook has emphasized the importance of high-level political endorsement of the plan. Government leaders often initiate the plan to ensure that their endorsement forms an intrinsic part of the process. Even where the plan has its origins at the working level of government administration, the involvement and endorsement of government leaders are crucial for its ultimate effectiveness.

Where this level of endorsement is part of the process, the launching of the plan will naturally prove more effective. A strong launch will make all relevant actors aware of the plan and its main elements, particularly their impact on specific sectors charged with its implementation. The general public will also be more aware of the plan if there is a high-profile launch.

While the specific features of the launch of the plan will depend on the traditions and mores of the country concerned, every effort should be made to give it the maximum impact. Whatever the approach, the launch should be a noticeable media event. It is desirable to involve the head of State or government and relevant ministers as well as representatives of other political parties and other tiers of government. It may also be advantageous to hold the launch on a date that is otherwise significant. Several plans have been associated with international Human Rights Day, 10 December.

To emphasize its people-centred orientation, the event should involve representatives of various vulnerable or target groups such as children, youth, persons with disabilities, indigenous people and others. Care should be taken to ensure that such participation is managed on a meaningful basis and is not perceived as mere tokenism. The relevance of international mechanisms may be emphasized through the participation of representatives of the United Nations or other international or regional organizations. The involvement of implementing partners as outlined above can also enhance the impact of the launch, particularly if media personalities are involved.

To manage the launch effectively, government will have to allocate reasonable resources.

### **10.4 Media and dissemination strategy**

If the plan is to be effective, it is crucial that all relevant actors as well as the general public are aware of it and give it their support. To promote this awareness, the plan should be based on a two-pronged approach. First, there should be effective

mechanisms for communication and information dissemination within the core structures set up to develop and implement the plan. Second, there should be effective media and public dissemination strategies going beyond the core structures to reinforce the message of the plan, to target audiences and to spread awareness among the general public.

#### **10.4.1 Communication among core agencies and organizations**

In setting up links between government agencies, political organizations, NGOs, security authorities, community organizations, national human rights institutions and others as part of the development stage of the plan, the coordinating committee needs to ensure that there are clear and effective means of communicating relevant information. This also requires a dual approach. One aspect is to ensure that the committee has effective means of communicating with those involved in the plan process. The other is to ensure that the participating organizations have internal communication channels so that information is disseminated to all relevant staff.

The coordinating committee should have an information disseminating capacity that goes beyond the mere generation of letters and memoranda. To assume its primary responsibility of communicating with agencies and organizations participating in the plan's development and implementation, the committee should be able to produce leaflets, brochures and regular newsletters and to provide seminars and workshops for relevant personnel. The committee's secretariat should preferably include staff who have media skills. In addition, the committee should have the capacity to provide training programmes that serve to disseminate awareness of the plan.

With regard to the internal communication channels of participating agencies and organizations, there should be a coordinated effort to ensure that each of them is able to disseminate information effectively to its staff. This is particularly important in the case of large organizations such as security agencies and those involved in the health and education systems. The secretariat should have the capacity to provide some assistance, for example by conducting train-the-trainer seminars for key personnel of relevant agencies. While the secretariat should be able to respond to requests for assistance, it should do so on the basis that training in human rights is part of the core business of the agencies concerned. In this way, the costs of training and information dissemination will be borne by these agencies as part of their normal programmes, thus ensuring that human rights training is carried forward effectively into the future.

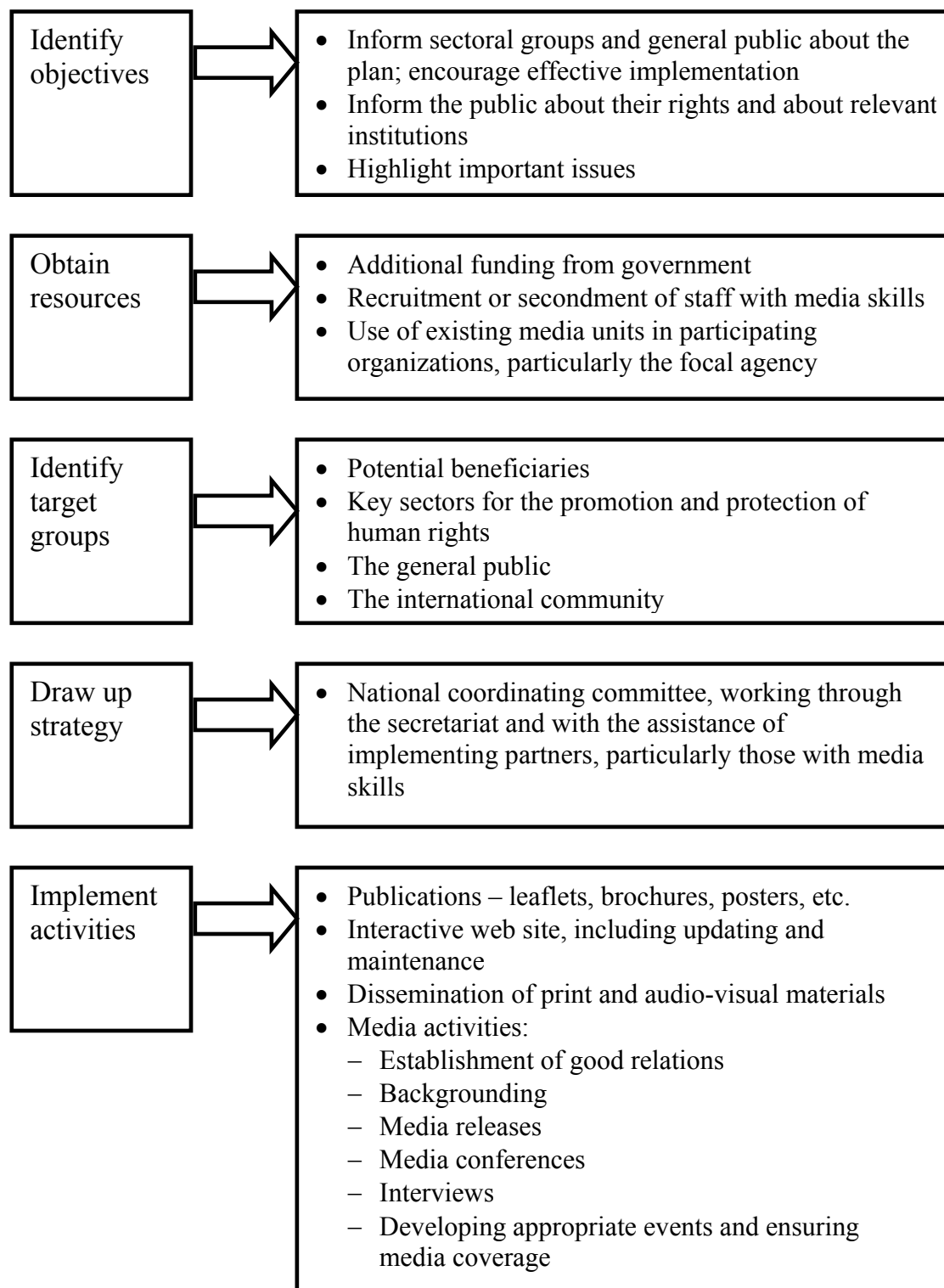
#### **10.4.2 A media strategy**

The coordinating committee will set up channels and mechanisms of communication as part of the process of development and implementation of the plan as it affects the core agencies and organizations. Beyond this, the committee should have a media strategy to assist in the effective dissemination of the national action plan and in the marshalling of support. The media strategy should enhance but not replace the basic channels of communication. An effective media programme can greatly expand the possibilities for promoting awareness of the plan by disseminating information widely and in a cost-effective manner. Having specialist media personnel on the secretariat to implement the plan's media programme will enhance the quality of the "in-house" information dissemination programme and ensure more cost-effective use of print and



other materials. Of course, the media situation will vary from country to country and the suggestions here will probably have to be adapted to local circumstances.

**Figure 12 – National action plan media strategy**



It is desirable for the coordinating committee to give attention, from early in the process of developing the plan, to how best to approach making effective use of the media. It can consider recruiting relevant personnel or making optimum use of existing media promotion units, for example in the focal agency responsible for managing the plan. The committee should draw up a specific media strategy and implement and monitor it in the same way as it does for other areas of the plan.

The media strategy will serve:

- To inform sectoral groups and the general public about the national action plan and to encourage them, as appropriate, to implement it or to influence government and those with responsibility for implementing it;
- To inform people about what their human rights are, what the government is doing to promote and protect their human rights and how they can take action themselves to advance human rights observance;
- To inform people about institutions that exist to promote and protect human rights within the country;
- To highlight important national human rights issues.

### **10.4.3 Target groups**

The media strategy should identify its target audiences. There are probably four target groups in relation to national action plans:

- The potential beneficiaries of advances in human rights observance. While in a broad sense this will include the whole of society, the primary targets from the point of view of a media strategy comprise vulnerable groups and those whose rights are actually or potentially under threat;
- Those who have a key role to play in protecting and promoting human rights – judicial and security officials, politicians, teachers and others;
- The general public who, even if their rights are not immediately under threat, will draw satisfaction from the awareness that a national plan is in place that will enhance the security and well-being of all their fellow-citizens;
- The international community, both as a potential source of technical cooperation and as part of the international environment that interacts with the country in question.

### **10.4.4 Media activities**

The media strategy may include:

- Establishing good relations with the media;
- Media backgrounding, through both print and other media;
- Media releases;
- Media conferences;
- Interviews;
- Media coverage of events associated with the plan;

- Development of events specifically targeted at the media;
- Preparation and dissemination of print materials;
- Development of audio-visual materials.

An innovative and flexible approach will promote more effective implementation of the media strategy. Events that are novel or present “human interest” perspectives are likely to be more interesting both to the media and to the general public. Wherever possible, the media programme should involve partners from the community, NGOs, the professions, labour and business to enhance the immediacy and relevance of media messages. Efforts should be made to encourage the media to use material related to the plan to prepare documentary as well as news programmes.

#### **10.4.5 Dissemination activities**

Section 10.4.1 outlined issues relating to communication among those who are part of the core group of agencies and organizations involved in developing and implementing the plan. Hopefully these will represent a wide cross-section of society and thus serve to disseminate information widely. In addition to this and to the use of the media, however, the secretariat should have the capacity to disseminate information more widely to the general public. Brochures, leaflets and posters can be produced and distributed through government agencies and non-governmental organizations to their clients or sent directly to schools, community organizations and members of the public on request.

Beyond this, the dissemination programme should seek to make the best possible use of modern information technology. What can be done will vary from country to country depending on the resources available, the information technology environment and the size and complexity of the country.

If feasible, there is much to be gained from having an interactive Internet web site that provides in electronic form all the information materials that are available in print and also gives the general public an opportunity to communicate their views on the plan and its implementation. The web site may be linked to other sites such as those of relevant government agencies, the national human rights institution or ombudsman’s office, OHCHR, regional human rights organizations and major human rights NGOs.

The extent to which a web site can be used will depend on the resources available. It will be necessary to develop and update the site, to design interactive pages and to monitor and respond to contacts from users. If usage is heavy, there will probably be a need for staff dedicated solely to web-site operations. If it is not possible to establish an interactive web site, the coordinating committee should at least ensure that basic documentation on the plan is available electronically to those who request it.

## **10.5 Use of the plan in human rights education**

Human rights practitioners are aware that education is the key to the long-term improvement of human rights observance. Reference has been made<sup>22</sup> to the United Nations Guidelines for National Plans of Action for Human Rights Education. These were developed separately from present work on general plans of action but obviously should be associated with, if not integrated into, the general plan. Many human rights education materials that were developed in all regions of the world have been catalogued by OHCHR and are listed in a Database on Human Rights Education that is accessible from the home page of the OHCHR web site.

Despite its importance, education presents some major challenges for the promotion of human rights. National education systems often involve very large bureaucracies and long-term planning. Preparation of materials on a large scale can be a costly process. It may therefore be difficult to accommodate changes or new ideas unless they are part of larger changes, which often take place only infrequently. Owing to these complications, human rights education sometimes focuses on less central areas of education such as the media and promotional events. This is inevitably less cost-effective than introducing human rights into core curricula and reduces the long-term impact of educational efforts. These considerations should be borne in mind in implementing national plans of action for human rights education as well as in implementing specific human rights education activities in the general national plan.

The national plan itself should be an element in human rights education programmes. Building on general human rights education, material on the national plan will impart greater immediacy to approaches to the application of human rights standards in the country concerned. As the national plan process is a continuing one, with one plan leading into another, the national plan can be a consistent theme of human rights education rather than a single event, and lends itself to the continuing development of educational curricula. To supplement core information and values, materials produced as part of the plan's media and dissemination programmes will add to the effectiveness of the education programme. Print materials should be disseminated among schools as a matter of course. Audio-visual materials can be used to enliven human rights learning and contemporary students will possess the computer skills needed to make use of Internet web sites.

Education efforts should, of course, extend beyond the formal school and university systems. The plan should include steps to ensure that information about its content and about human rights are included, where possible and appropriate, in vocational education and training programmes. Dissemination of printed and other information should not simply involve the physical movement of materials but should form part of a strategy for the effective use of such materials in education and public awareness programmes of all kinds. Work with the potential implementing partners mentioned in section 10.2 is particularly relevant in this context.

---

<sup>22</sup> See chapter 2 and section 9.7.7.

## 11. Monitoring

A national human rights action plan should be approached in much the same way as any other government programme. It should thus contain objectives, strategies, programmes of implementation, resource provisions and mechanisms for evaluation. One of the main concerns of a national plan is to move human rights activity from the realm of idealism and rhetoric into the realm of practice and routine. This is not to argue that idealism and inspiring rhetoric have no place in human rights promotion: quite the contrary. But so long as human rights are regarded as a field in which results are produced by methods outside normal government processes, such processes will not be effectively used to promote and protect human rights. Human rights will tend to be left in the hands of those who do not have the means to bring about human rights improvements directly. As the Bolivian plan states,

*“[Human rights objectives] must ... become a permanent component of ... state policy.”*

An essential component of any programme of organizational action is a regular and dispassionate process of evaluation. Experience in many areas has demonstrated that activity without objectives and evaluation tends to be both ineffective and self-perpetuating. Stating of objectives amounts to little more than rhetoric if they are not accompanied by a process of evaluating the activities aimed at implementing them. Most contemporary organizations, in both the public and private sectors, are aware of these potential problems. Many seek to ensure that their programmes are productive by developing detailed implementing plans, including targets, and providing for regular monitoring. Where necessary, plans or activities are revised in the light of the monitoring and evaluation process.

There is a need to evaluate both ongoing plan processes and the plan as a whole. In this Handbook, “monitoring” refers to the ongoing process of assessing the effectiveness of the plan, while “evaluation” refers to its overall assessment and the results achieved.

Reference is made below to the national coordinating committee as the body responsible for monitoring implementation. However, experience has shown that it may be more appropriate and cost-effective to entrust this function to other pre-existing bodies such as a human rights commission, an inter-ministerial committee or a ministry responsible for human rights.

### **11.1 Monitoring and reporting techniques and mechanisms**

From the point at which a national action plan is proposed and developed, all players should accept that monitoring and evaluation mechanisms must be incorporated in the plan as an essential component.

The national coordinating committee or other designated follow-up body should be the primary mechanism for maintaining an effective monitoring process. A prototype of such a process will emerge at the development stage of the plan, as implementing

agencies establish contacts through the committee to present their various proposals for action. The committee should formalize these processes and maintain them throughout the implementation stage of the programme.

### *Effective evaluation*

The reporting processes will be based on the objectives and targets that make up the plan and the assignment of responsibilities to various agencies and organizations for achieving them. To facilitate effective evaluation, it will be necessary to develop a standardized reporting format. This will set out the goals, objectives, target dates and performance indicators and seek succinct information from the relevant agency or organization on how it has implemented activities aimed at fulfilling them during the period in question. In order to evaluate whether or not a particular activity has been implemented successfully, it will be necessary to have a complete understanding of its objective. This underscores the importance of taking time when drafting the plan to establish clear and realistic performance indicators. The tabular approach suggested in section 9.5 is probably particularly useful in this regard.

### *Monitoring and reporting mechanisms*

The core process of monitoring will flow from meetings of the coordinating committee at which it examines the situation in each of the plan's areas of activity. Each country will develop mechanisms that suit its own situation, but it may be useful to hold a major evaluation session on an annual basis, with a simplified evaluation every six months. At this time, each of the agencies and organizations responsible for implementing sections of the plan will provide a report to the committee in the form of a statement setting out the relevant objective, the performance indicator, what the implementing agencies have done to achieve the objective and how their activity satisfies the performance indicator agreed at the beginning of the process. If the performance indicator, and hence the particular objective, was not met, the report should state this frankly and include an assessment of why it was not met and what should be done. The reports should be collated and presented at a meeting or meetings of the committee specifically dedicated to monitoring. The whole process should be systematic and all those involved should fully understand and accept it well in advance. The monitoring process should continue throughout the life of the plan.

The whole approach should aim to be economical in terms of resources and time so that the reporting process does not become unwieldy or sink under its own weight. If it is too cumbersome in terms of either the preparation or the evaluation of reports, there will be a disincentive to all concerned to maintain it effectively. For this reason, the reports should not exceed more than a few pages.

The outcome of the evaluation should also be systematized, with the committee advising each agency promptly of its views on its performance and, for example, requesting special attention to be given to specific areas and the provision of additional information as appropriate. The process should seek to advance achievement of the plan's targets on the basis of dialogue and agreed action.

Where the results of certain activities are at variance with the targets, there will be a requirement for additional action. If the evaluation process demonstrates that targets

have been achieved or exceeded, the coordinating committee and relevant agencies should highlight this in the plan's media and information dissemination programmes. In this way, the value of the plan will be more widely accepted and support will increase. Where targets are not achieved, the approach should be a realistic one. Recriminations should be avoided and steps taken to establish the reason for the shortcomings. Reasons may include unrealistic time frames, inadequate resources, insufficient political support or organizational inadequacies. It may be considered with hindsight that the original targets were excessively vague or inherently unattainable. Whatever the assessment of the reasons for shortcomings, both the coordinating committee and the agency concerned should develop proposals to deal with them.

Some organizations may not feel comfortable with what amounts to an external evaluation of its human rights performance. In any exchanges on the subject it should be borne in mind that the evaluation concerns only what the organization itself freely agreed to aim at in the plan. Nevertheless, some coordinating committees may experience difficulties in ensuring that the process of evaluation leads to sufficient attention to areas where shortcomings are identified. This underscores the value of having as chairperson of the committee an individual who has the necessary personal qualities and standing to take up difficult issues with heads of organizations and political leaders.

#### *Informal evaluation*

In addition to this more formal approach, which will constitute the central monitoring vehicle, all those involved should scrutinize the effectiveness of the plan as it unfolds and should not hesitate to take action where shortcomings are apparent.

Key figures such as the chairperson and members of the coordinating committee or the focal agency will acquire a good understanding, through their involvement in the plan's implementation, of the successes and shortcomings of the process. Their insights should form part of the dialogue aimed at improving the plan's implementation.

In addition to formal processes of evaluation, a multiplicity of activities and events will contribute to an understanding of the success of the plan. Individual agencies will provide information through their own ongoing evaluation and reporting systems. In an open society, NGOs, community organizations, the media, political organizations and others will not hesitate to draw attention to any shortcomings in the plan's implementation. Such informal evaluations should be accepted in an open-minded spirit, without recourse to a combative defensiveness.

#### *Revising plans before completion*

As a plan proceeds, modifications will probably be required in at least some areas. Where objectives have not been achieved, some adjustment to proposed activities will be needed such as the application of more resources, changes in working methods, revision of timetables or perhaps amendment of objectives. As suggested above, this will be the responsibility of the coordinating committee. The committee should be careful not to allow a situation to arise in which implementation falls short of the

plan's objectives but no compensatory action is taken. This would naturally tend to undermine public confidence in the national action plan process.

Where objectives and proposed activities have to be modified in response to the evaluation process or for other reasons, the coordinating committee should take steps to ensure that the changes are properly documented. As the original plan will have attracted official and media attention and will have been widely disseminated, any subsequent changes should be disseminated by the coordinating committee, at least to practitioners and organizations in relevant areas. They should also be incorporated in the coordinating committee's media and dissemination programmes.



## **12. Evaluation and successor plans**

### **12.1 Evaluation issues**

This Handbook has recommended that a specific time frame should be set for the plan as a whole. Although it will vary according to the situation and institutions of the country concerned, we have suggested that a period of five years may be appropriate. Whatever the period, it is desirable to conduct a more substantial and independent evaluation of the plan as a whole. The purpose of this evaluation is to determine the degree of success of the plan in terms of achievements measured against objectives. It will serve to justify the expenditure of the resources allocated to the plan. Beyond this more programmatic justification, the evaluation will represent an important report to the government, the human rights community and the general public on the plan's outcomes. It will also be useful to other countries, which stand to gain from the experience of countries that have had plans in place for some time. This applies both to countries that have already initiated national plans and to those that are contemplating doing so.

An important point to decide is who should undertake the overall evaluation. The coordinating committee (or any other monitoring body designated for the purpose) will naturally wish to evaluate the programme for which it has had responsibility for a number of years. There is also a strong argument, however, for an external evaluation. As the plan will have been largely developed and managed by the coordinating committee, it may be difficult for the committee to maintain a rigorous and credible independent approach. Thus, while care should be taken not to undermine the committee's work, it may be worthwhile commissioning an external evaluation, since it would be likely to add substantially to the credibility of both the plan itself and the broader action plan process. If an external evaluation is undertaken, it is probably desirable to have a small committee chaired by a senior independent expert but including, say, two other members, one representing government agencies and the other non-governmental organizations.

For the overall assessment, the same basic approach should be adopted as for other evaluations, namely assessing achievements against stated objectives and targets. At this level, however, it is also desirable to address the broader mission and goals of the plan. An important aspect of the overall review will be any recommendations made for further work on human rights protection and promotion, particularly a successor national action plan.

As with the annual and semi-annual reviews, every effort should be made to keep the process succinct. At the same time, the overall review should be treated as a significant aspect of the plan. The final review should be issued as a public document for the government, interested agencies and organizations, and the general public.

With regard to timing, the final overall evaluation should be set in motion well before the formal end of the plan period. Thus, if the plan is due to expire at the end of a calendar year, it will probably be found useful to commence the review by the middle

of the year. It may even be desirable to begin earlier if the findings and recommendations are to be part of a successor plan.

An effective monitoring process will require the allocation of some resources for personnel and for the publication and dissemination of the final report.

## **12.2 *Initiation of successor plans***

This Handbook has recommended that the initial national action plan should lead to a series of successor plans. In this way, work on human rights will be conducted in a manner similar to that of other areas of government activity, with a comparably serious approach to the allocation of resources and to accountability. As one national human rights action plan draws to an end, another will take its place, just as with economic plans.

The successor plan will be based to a considerable degree on the overall evaluation of the previous plan. Without detracting from the independence of the evaluation process, the conclusion of one plan and the elaboration of the next should therefore be integrated as far as possible. The evaluation will feed into the development of the next plan by identifying areas where further action needs to be taken.

The process of developing a successor plan should be similar to that for the original plan. With structures and procedures already in place, a successor plan will be easier to develop. However, a special effort will be needed to ensure that the new plan has a similar impact and attracts similar attention. While the aim should be to bring human rights work into the mainstream of government activity, any suggestion of over-familiarity and staleness should be avoided by ensuring that, as before, the process of developing and implementing the plan includes the full range of human rights NGOs, community organizations, national institutions and other non-governmental actors. The successor plan should involve government to the same extent as the original. It should be launched with a similar impact, supported by similar media and dissemination programmes, and implemented with the same energy.

In this way, the process of renewing the national action plan should itself reinvigorate the commitment of all stakeholders to the promotion of human rights and enhance the dissemination of information about human rights.

## 13. Resources

The success of the plan will depend to a considerable extent on the availability of resources to support its activities. Providing such resources should be regarded as an investment in social progress. Achievement of the plan's objectives will yield a genuine and valuable return. In a good plan, the objectives will reflect important societal values. Protecting and promoting human rights, whether in the area of personal security, the administration of justice, prevention of discrimination or the provision of education or health services, will advance the interests of the State and its people in the same way as activity aimed at promoting economic growth or military security.

The provision of reasonable resources will thus be seen as a good indication of a government's commitment to the plan and its human rights objectives. A failure to provide reasonable resources will raise questions about the government's seriousness and about the credibility of the plan.

Of course, governments everywhere are seeking to restrain expenditures, while demands on national budgets are heavy. Securing adequate resources in this climate will not be easy. The approach of the coordinating committee should thus combine rigorous economy, strict accountability, cost-effectiveness and innovation. Resource requirements should be analysed carefully. They should be seen as comprising human and institutional resources as well as financial resources. This may open the way to more productive methods of supplementing resources available to the plan, by giving attention to options additional to the provision of financial support,

### 13.1 Funding issues and strategies

Funds are required in two broad areas of the plan's operations. One relates to the costs of developing and disseminating the plan and monitoring its implementation. The other relates to the implementation itself. The difference between the two is that the former is new expenditure resulting from the decision to institute a plan and relates to the costs of the coordinating committee, the secretariat, consultations, information materials and so on. These can be called *development and monitoring costs*.

The second area of expenditure covers programme activities of relevant agencies. These can be called *programme implementation costs*. As they are normal programme activities of the agencies concerned, the agencies' regular budgets should provide the necessary funds. The funds should not come out of the government's allocation for management of the plan. It may well be that some programme activities involve new expenditure in the sense that funding for these specific purposes has not been allocated in the past. However, the appropriate approach should be that agencies ought to have funded these activities in the past, in that they are of core importance to the agencies concerned, but that they have simply been overlooked or neglected. Where funding has to be found from within an agency's budget, there will be a need for prioritization, compromise and reallocation of resources to ensure that the agency's overall objectives are met.

The following are a range of activities falling within the development and monitoring areas of the plan that are likely to require funding or resource allocation, together with comments on how the various funding requirements may be addressed. (The issue of funding assistance through programmes of technical assistance is discussed below in section 13.3.)

#### *Preliminary consultations with relevant agencies and organizations*

- These should probably be conducted by staff of the focal agency. It is therefore preferable to view the use of this staff as a core activity of the agency concerned and to include the expenses involved in the agency's normal budget. Travel costs may be incurred when staff visit different parts of the country to speak to relevant groups, for example at public meetings, as well as venue hire costs and other expenses associated with the holding of public meetings. These costs will be supplementary to those budgeted for by the agency in the absence of a plan, but it is desirable to finance such activities from within its normal budget.
- Some costs may be incurred by NGOs participating in consultations. It is suggested that they should generally be borne by the organizations concerned, partly because government funding of NGO core advocacy functions may tend to undermine the NGO's independence.
- An exception to this general rule may arise in the case of the initial national consultative meeting to elaborate the concept of the national action plan and to fill out the details of the plan development process. It may be desirable for the government to finance the expenses of those invited to participate. However, if a less structured approach to participation is adopted, such financing may not be appropriate.

#### *Establishment of the national coordinating committee*

- Resources will be required to cover the travel costs of committee members and the costs of meeting venues, secretariat services at meetings and, possibly, honoraria. The costs will depend on the size of the committee and how often it meets. In the developmental phase it will need to meet more often, while during the implementation and monitoring phase it may meet only every six months. The funds required for the committee will be additional to any previously existing budgets. However, most countries have experience of establishing autonomous committees for specific purposes and funding precedents are also likely to exist.
- Key office-holders of the committee may find themselves working more or less full time. Office space and associated facilities may be needed. These requirements may be categorized as expenses of the secretariat.

#### *Establishment of a secretariat*

- A small secretariat will be required to support the coordinating committee and to manage activities relating to the national plan between committee meetings. Resources will be required for purposes such as office space, office equipment, communications, travel and so on. Major tasks for the secretariat may include responsibility for drafting the baseline study and probably the plan itself. If the baseline study or other activities are subcontracted by the secretariat to others, for example consultants, funds will be needed to cover the additional costs.

- As noted in section 5.6, core staff of the secretariat may be provided by the focal agency on a secondment basis, while ancillary staff may be provided by other organizations. We suggest that, to avoid adding to the cost of the secretariat, the additional staff should also be seconded from their organizations. In some cases, however, this may not be possible owing to a lack of resources. The government may therefore consider the desirability of funding the attachment to the secretariat of a small number of appropriate staff.
- No specific number is suggested for the staff of the secretariat. However, there is usually no need for a large secretariat, regardless of the national situation. One factor that will influence its size is the extent of its involvement in media work and information dissemination.
- As noted in section 5.6, the intensity of secretariat activity - and hence resource requirements - will vary over the life of the plan.

#### *Developmental phase*

- The period of consultations with the community will probably require some travel within the country by committee members and the secretariat, entailing corresponding costs. Consultative forums and public meetings may require additional funds for venue hire, advertising and other related costs. Provision will have to be made for appropriate funding.
- The drafting, production and dissemination of information material will also require some additional funding. The secretariat can probably undertake most of this work, but there may be a need for professional involvement in presentation and formatting of materials and the design and development of a web site. If relevant skills are not available within the secretariat, the work will need to be subcontracted to consultants. Printing and dissemination of materials will also require resources.
- It may also be necessary to fund research, including public opinion surveys to assist in developing baseline data for use in subsequent monitoring of the effectiveness of the plan.
- If possible, additional costs may be minimized by using the facilities of the focal agency. While there are still unavoidable real costs in the use of in-house resources, such an approach promotes economies of scale and relieves the secretariat of the task of establishing an independent public affairs unit.
- Similarly, it may be possible to draw on the focal agency's media relations capacities. There will probably still be a need for a person with media skills in the secretariat, but the opportunity to access an established unit's expertise and equipment will greatly facilitate the secretariat's work and promote economies.
- Production and dissemination of information materials and media relations work will continue, on a reduced scale, during the implementation and monitoring/evaluation phases.

#### *Implementation phase*

- The cost of implementing the various activities provided for in the plan should largely be borne by the implementing agencies, on the grounds that the plan's activities constitute part of the core business of the agency concerned. The role of the national committee and the secretariat at this stage should be confined to

promoting awareness of the plan, monitoring its implementation and evaluating its outcomes. Crucial to the success of the plan will be the ability of those involved in its promotion to persuade relevant agencies that achieving human rights objectives forms an integral part of their mission and to provide for adequate funding.

#### *Monitoring and evaluation phase*

- Activities at this stage focus on meetings of and travel by members of the coordinating committee and secretariat personnel. Only towards the end of the plan period, when the overall review of the plan is undertaken, will there be an increase in the intensity of activity and a requirement for a somewhat higher level of resources. If an external evaluation of the plan's effectiveness is to be commissioned, additional funding will be required to cover the travel and consultancy costs, fees and other expenses of evaluators.

### **13.2 Institutional partnerships**

This Handbook has drawn attention several times to the desirability of the government (through its focal agency) entering into innovative partnerships with other organizations. This is particularly important when considering how to mobilize resources. It is increasingly accepted in public administration that governments have neither the resources nor the expertise to deal with every aspect of social policy. In many cases, it will be better for the government to set broad policies, in consultation with other actors, and then to establish partnerships to maximize funding opportunities and utilization of available expertise.

As far as funding is concerned, the primary partnership will be between the coordinating committee and focal agency, on the one hand, and the various government agencies that have responsibility for implementing the plan, on the other. If the plan is to be successful, the implementing agencies must incorporate funding of the various plan commitments in their own budgeting processes. This is perhaps the central issue in the whole plan process, the acknowledgement that human rights objectives are core activities across most areas of government administration.

Partnerships with other bodies may also be helpful in funding the development, dissemination and evaluation of the plan:

- A key area of partnership will be with civil society organizations, which have the capacity both to implement some areas of the plan's activities, for example education and dissemination of information, and to contribute to the work of the coordinating committee and the secretariat;
- Private philanthropic or funding organizations may assist in funding specific projects;
- It is worth exploring corporate sponsorship, for example of the production and dissemination of information materials;
- In some cases, private organizations may be in a position to fund aspects of the secretariat's expenses, for example the acquisition of computer hardware or office equipment;
- Media organizations may decide to make documentary video or radio programmes on the plan, thereby moderating media strategy costs;

- Other levels of government may also be able to contribute to resource requirements. For example, local governments may provide venues and local transport for the consultation process.

### **13.3 International assistance**

Some countries that have already instituted national action plans have employed development assistance funding to meet some resource requirements. Other countries contemplating the development of national plans will probably also wish to consider external funding assistance. This is in keeping with recent trends, as both donors and recipient governments increasingly see human rights as an appropriate area for international cooperation of this kind. Potential donors include international development agencies such as those within the United Nations family, donor governments and private foundations.

A major advantage of the national action plan process is that it provides a systematic framework for the integration of specific areas of activity into a coherent whole. The plan identifies objectives, time frames and projected outcomes. It can assist donors and recipients alike in developing specific technical cooperation projects. An example is the Indonesian plan, which:

*“welcomes bilateral, regional and international cooperation in strengthening its national capacity to implement the programme to promote and protect human rights, in the spirit of international cooperation as enshrined in the United Nations Charter and on the basis of principles of mutual respect and equality among nations.”*

Footnotes to lists of the various activities provided for in the plan indicate which may require technical cooperation. They include, in particular, training activities.

The Malawian plan takes a similar approach, emphasizing:

*“the importance of international assistance and cooperation aimed at supporting the democratic transition in Malawi and strengthening national capacity to promote and protect human rights.”*

The Malawian plan outlines various areas in which international assistance will be sought. Other national plans have used technical assistance for the production and dissemination of information materials.

National action plans can also be a vehicle for donor government commitments. The Australian plan states that Australia will:

*“continue to assist other countries to strengthen their national human rights infrastructure as well as developing promotional and educational activities aimed at ensuring that human rights are enjoyed by everyone.”*

If the plan is developed in a systematic way, it will become clear which areas are likely to experience resource shortfalls and which may lend themselves to external assistance. As experience to date has suggested, areas in which such assistance may

be particularly appropriate include training and the production and dissemination of information and educational materials. There may also be a need for technical advice in the development of national plans themselves.

It is not desirable for the whole of a national action plan to be funded externally. A key consideration is to bring human rights activity within the normal range of government action. Thus, even if a government has only limited resources at its disposal, some of these resources should be allocated to achievement of the plan's objectives. A corollary is that limited resources need not prevent a government from developing a national action plan.



## 14. Regional and international partnerships

Human rights activity at the national level cannot be separated from human rights activity at the international level. The Charter of the United Nations states that human rights are of international concern, while international human rights norms provide the basis for standards and legislation at the national level. Whether the aim is to combat racial discrimination, to promote the rights of indigenous peoples, to elaborate the right to development or to promote human rights education, the stimulus comes from international activity.

National action plans fit into this picture. As *national* plans, they must focus on activity taking place at the national level. However, the concept of national action plans originated at the international level (see chapter 2) and international meetings have been held to develop the concept. It makes sense for those working on action plans at the national level to have an international orientation so that they can both gain from international experience and enable others to learn from theirs. In addition, expertise and resources available at the international level can be accessed in this way.

The international dimension has already been discussed at a number of points in this Handbook. Some international aspects of national action plans are summarized below.

### 14.1 *Sharing experience*

Each country that has developed a national action plan has the potential to provide useful guidance to other countries embarking on the same path. The range of countries, situations and cultures is so vast that a country that is developing a national action plan needs a variety of examples to draw on as a source of guidance for its work. Thus, every new plan that is put in place will expand the range of examples available. A new plan may well contain features that have not been addressed elsewhere and this may be useful to countries facing similar issues.

As part of this process of sharing, it will be possible to cut across traditional boundaries of donors and recipients of technical assistance. As most countries that have developed national action plans to date have been developing countries, much of the existing expertise is located in the developing world. As a result, where consideration is being given to funding and provision of expert advice under technical cooperation programmes, the expertise will be drawn largely from developing countries. Such a role for representatives of developing countries is likely to contribute helpfully to a more balanced, vigorous and constructive international debate.

As this Handbook has suggested, a national action plan is not a single event but should be a continuing process. This makes the sharing of experience even more important, as every country that has a plan will wish to review its approach in the light of what may be described as best international practice. In this way, successor plans will benefit not only from the experience of the country concerned in implementing its first plan but also from the accumulated experience of all countries that have been working with national plans.

## **14.2 Regional and international workshops**

Some of the sharing of experience will take place in regional and international workshops devoted wholly or in part to consideration of national action plans. Such meetings have already taken place in New Delhi, Bangkok, Dakar and Quito, and further meetings are planned. Those who participated in these meetings included not only representatives of countries that had instituted national plans but also representatives of governments, OHCHR and other United Nations bodies, national human rights institutions and NGOs. Such workshops play an important role in spreading awareness internationally of the national action plan concept, in sharing experience and in identifying best practice. The workshops have, in turn, developed useful suggestions regarding the possible structure and content of national plans and how further work on the idea might be managed. Countries that have developed national plans should stand ready to contribute to such workshops.

## **14.3 The United Nations**

Work on national plans has flowed from and been sustained by activity at the United Nations. This will continue as more and more countries consider national plans as a vehicle for human rights improvements and look to the world body and its affiliates for guidance and assistance. Countries that have experience with national plans can contribute in various ways to United Nations expertise on the subject. They can provide information on their own plans to OHCHR, both the texts of the plans and information on evaluations and revisions. They can participate in debates on the issue, for example at the annual sessions of the Commission on Human Rights, and provide input to relevant resolutions of the Commission and other human rights bodies that address national human rights action plans. The mechanism of national plans can thus be carried forward in a consistent and cooperative way so that the widest possible number of countries, organizations and individuals can benefit from the concept.

## **14.4 Technical cooperation and OHCHR**

The Office of the United Nations High Commissioner for Human Rights has provided advice and other assistance for the development of several of the national human rights action plans that have been adopted so far. The assistance may have been provided under a larger comprehensive national technical cooperation project or as a focused single activity. In a number of cases, the assistance was provided through the “Human Rights Strengthening” (HURIST) joint OHCHR/UNDP programme (see <http://www.unhcr.ch/development/hurist.html>). Lessons learned from those plans will be made public on the OHCHR web site and in due course incorporated in a revision of this Handbook.

An independent review of the HURIST programme’s first two years of operation – published in August 2001 (<http://www.ohchr.org/development/huristreview.doc>) – raised a question regarding the compatibility of national human rights action plans with the imperative of “mainstreaming” human rights as a cross-cutting concern within national-level development policy and planning activities. This concern is reflected in the introductory section of this Handbook (section 1.3) and elaborated in

section 8.7. However, OHCHR's policy position is that there is no fundamental inconsistency between action plans and the "mainstreaming" imperative. Experience in the development and implementation of national action plans to date is helping to provide a clearer picture of the conditions likely to make national action plans effective. Apart from political commitment and the various "process" and "content" factors discussed earlier, the value and practical impact of human rights action plans will be maximized to the extent that the plans and their coordinating committees can function as effective vehicles for the integration of human rights into national-level development planning frameworks and "mainstream" policy sectors.

This Handbook will be revised in the light of further accumulated experience. Information, advice and assistance in the development of national human rights actions will continue to be made available by OHCHR on request.